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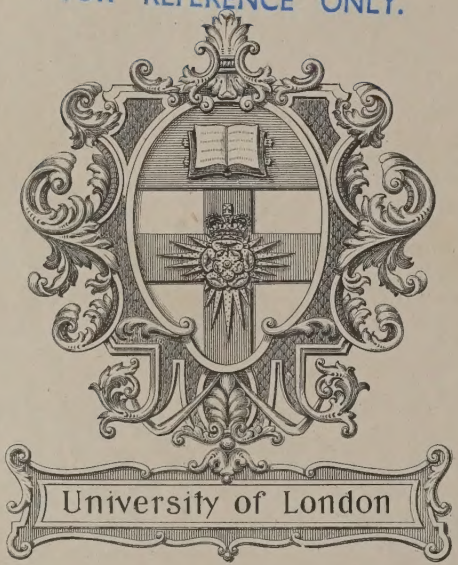

B I L L S,

PUBLIC:

SIX VOLUMES.

—*(1.)*—

ABERDEEN UNIVERSITY

TO

COMMISSIONERS OF SUPPLY (SCOTLAND).

Session

31 *January* —— 29 *July* 1856.

VOL. I.

1856.

BILLS:

1856.

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A

BILL

TO

Provide for the Union of the Universities of King's College and Marischal College, Aberdeen.

WHEREAS it is expedient, for the Advancement of Religion and Learning, that the University and King's College of Aberdeen, erected in the Year One thousand four hundred and ninety-four, and the University and Marischal College of Aberdeen, erected in the Year One thousand five hundred and ninety-three, should be united into One University, and that Provision should be made for the good Government of the said University and the Colleges thereof, and for maintaining and improving the Discipline and Studies of the said University and Colleges: Be it enacted by by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Universities of King's College and Marischal College, Aberdeen, to be united, and to form the University of Aberdeen.

I. The said Two Universities shall be united into One University, which shall be called "The University of Aberdeen," and shall include the Two Colleges of King's College and Marischal College aforesaid, and shall take Rank among the Universities of Scotland as if erected in the aforesaid Year One thousand four hundred and ninety-four.

Present Chancellors of the existing Universities to be alternately Chancellor of the University of Aberdeen, and the Chancellor of the University to be afterwards appointed in Terms of this Act.

II. The present Chancellor of the University of King's College shall be the First Chancellor of the said University of Aberdeen; and the Office of Chancellor of the said University of Aberdeen shall be held alternately, for alternate Periods of *Three* Years from and after the Date when this Act shall come into operation, by the present Chancellors of the said Two existing Universities, during their joint Lives; and on the Death or Resignation of One of the said present Chancellors the Survivor shall be Chancellor of the University during his Life; and on the Death or Resignation of such Survivor the Chancellor of the University shall be appointed in such Way and Manner as may be prescribed in Terms of this Act.

The Chancellor to preside at all Meetings of the University Council.

III. The Chancellor of the University shall preside at all Meetings of the University Council at which he may be present, and shall be entitled to a deliberative and also to a Casting Vote.

The Principals of Colleges to be Vice-Chancellors in alternate Years, and to act in the Absence of the Chancellor.

IV. The Vice-Chancellor of the University shall be entitled to act only in the Absence of the Chancellor, and shall be entitled to act in the event of such Absence in like Manner as the Chancellor could act if personally present; and the Principal of King's College shall be the First Vice-Chancellor; and the Principals of King's College and Marischal College respectively shall be Vice-Chancellors in alternate Years; and in the Absence of the Principal who is Vice-Chancellor for the Year the Principal of the other College, and in his Absence the Senior Professor present, shall act as Vice-Chancellor.

Rector of the University to be elected triennially.

V. The Rector of the University shall be elected by the Masters of Arts of the University, and shall hold Office for *Three* Years.

Four Assessors of the Rector to be elected triennially.

VI. The Assessors of the Rector shall be *Four* in Number, and shall hold Office for *Three* Years, and shall be elected in such Manner as may be prescribed in Terms of this Act.

No Principal or Professor to be Chancellor, Rector, or Assessor.

VII. No Principal or Professor of any College in the University shall be eligible for the Office of Chancellor, Rector, or Assessor in the University.

University Council to be vested with the Government of the University.

VIII. The Government of the University shall be vested in the University Council, in such Manner, and under such Rules and Regulations, and subject to such Control, as may be prescribed in the Terms of this Act.

University Council how to be formed.

IX. The University Council shall consist of the Chancellor, the Rector and his Assessors, the Principals of the Colleges, and such additional Members, being Graduates chosen by the University Electors,

Electors, or Members selected partly by Rotation and partly by Election from the Senatus Academicus of each College, as may be prescribed in Terms of this Act.

Members of University Council to hold Office for Three Years.

X. Every Member of the University Council, other than the ex-officio Members, shall remain in Office for *Three* Years, unless where otherwise prescribed in Terms of this Act.

Convocation how to be formed.

XI. The University Election or Convocation shall consist of the Chancellor of the University, the Rector and his Assessors, the Principals and Professors of Colleges, and the Graduates, or such Class or Classes thereof as may be prescribed in Terms of this Act, such Graduates being always of the Age of *Twenty-one* Years or upwards.

Members of Convocation may vote by Letter.

XII. Any Member of Convocation shall be entitled to vote by Letter bearing his Signature.

The Two Colleges of King's College and Marischal College to remain separate and independent.

XIII. The Senatus Academicus of each College shall consist of the Principals and Professors of such College for the Time being, and shall have the exclusive Management of the Property of such College respectively; and each College shall remain, as heretofore, separate and independent, and shall retain its own Property and Revenues for its own separate Use.

Faculty of Divinity to be confined to King's College and Faculty of Law and Medicine to Marischal College.

XIV. There shall be in the University One Chair only for each Branch in the Faculties of Divinity, Law, and Medicine, and the Divinity Classes shall meet at King's College exclusively, and the Law and Medical Classes exclusively at Marischal College: Provided always, that nothing herein contained shall affect the Rights of any existing Professor or Lecturer of either of the said Colleges, except to the Effect of transferring, in Terms of this Act, the Locality of the Chair of such Professor or Lecturer if or so soon as such Chair shall be or is the only Chair in the University for the Branch taught from such Chair.

Certain Professorships in King's College not to be again filled up.

XV. The following Professorships and Lectureships in King's College shall not be filled up after the same shall have been vacated by the present Holders; that is to say, the Professorships or Lectureships of Medicine and Chemistry, Materia Medica, Anatomy, and Physiology, Surgery, Practice of Medicine, Midwifery, Institutes of Medicine and Medical Jurisprudence; and in the event of the corresponding Professorships or Lectureships in Marischal College, or any of them, falling vacant, the existing Professor or Lecturer of the corresponding Branch of King's College shall vacate his Chair in King's

College, and shall succeed to the corresponding vacant Chair in Marischal College.

Certain Professorships in Marischal College not to be again filled up.

XVI. The following Professorships and Lectureships in Marischal College shall not be filled up after the same shall have been vacated by the present Holders; that is to say, the Professorships or Lectureships of Oriental Languages, Practical Religion, and Evidences of Christianity; and in the event of the corresponding Professorships or Lectureships in King's College, or any of them, falling vacant, the existing Professor or Lecturer of the corresponding Branch in Marischal College shall vacate his Chair in Marischal College, and shall succeed to the corresponding vacant Chair in King's College.

Professors of Divinity in King's College and Marischal College to be both Professors in King's College.

XVII. The Professor of Divinity in King's College shall teach Systematic Divinity in that College, and the Professor of Divinity in Marischal College shall cease to be a Professor in Marischal College, and shall be Professor of Biblical Criticism in King's College.

Existing Libraries and Museums to be available to the Members of the University.

XVIII. The Libraries and Museums belonging to the said existing Universities and Colleges respectively shall be available to all Members of the University, subject to such Regulations and under such Charge and Management as may be prescribed in Terms of this Act.

Appointment of Commissioners.

XIX. The several Persons herein-after named, (that is to say,)

shall be Commissioners for the Purposes of this Act, and shall have a Common Seal, and *Three* of the said Commissioners shall be a Quorum, and the Commissioner appointed or acting as Chairman shall have a second or casting Vote when the Votes of the said Commissioners shall be equally divided.

Duration of Powers of Commissioners.

XX. The Powers hereby conferred on the Commissioners shall be in force until the *First Day of January One thousand eight hundred and fifty-nine;* and it shall be lawful for Her Majesty, if She shall think fit, by and with the Advice of Her Privy Council, to continue the same until the *First Day of January One thousand eight hundred and sixty*, and no longer.

Vacancy in Number of Commissioners.

XXI. If any Vacancy occurs in the Number of such Commissioners, by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

XXII. In

Commissioners empowered to require Production of Documents, &c.

XXII. In the Exercise of the Authorities hereby vested in the Commissioners, they shall have Power to require from any Officer of the said Universities or Colleges the Production of any Documents or Accounts relating to any such University or College, and any Information relating to the Statutes, Revenues, Usages, or Practice thereof respectively; and no Oath which may have been taken by any such Officer shall be a Bar to any Authorities of the Commissioners.

Principal and Professors of each College to have Power to frame Statutes for such College.

XXIII. It shall be lawful for the Principal and Professors of either of the Two Colleges of King's College and Marischal College, at any Time before the *First Day of January One thousand eight hundred and fifty-eight*, without Prejudice to any existing Interest of any Member of such College, and notwithstanding anything contained in the Statutes, Charters, or other Instruments of Foundation or Endowment, either of such College or of any Emolument therein, to make Statutes for the Purposes following; (that is to say,)

1. For repealing, altering, and amending the College Statutes and Ordinances, and for making fresh Provision respecting the Eligibility of Persons to the Bursaries or other College Emoluments, respecting the Right and Mode of appointing, nominating, or electing to such Bursaries and Emoluments, and respecting the Duration and Conditions of the Tenure of the same, so as to insure such Bursaries and Emoluments being conferred according to personal Merit and Fitness, and being retained for such Periods as are likely to conduce to the better Advancement of the Interests of Religion and Learning, and for the said Objects to modify or abolish any Right of Preference:
2. For re-distributing or apportioning the Bursary Funds, and the divisible Revenues of the College:
3. For rendering Portions of the College Revenue or Income available to Purposes for the Benefit of the University at large:
4. And generally for making further Provision for maintaining and improving the Discipline, Studies, and good Government of such College, and for altering and amending the Statutes, Ordinances, Usages, or Practice thereof, from Time to Time:

But all Statutes so made for each College by the Principal and Professors of such College shall be of no Force or Effect until they shall have been approved in the Manner herein-after mentioned.

When Principal and Professors omit to make Statutes for their College, Com-

XXIV. If the Powers herein-before granted to shall not be exercised by any College, or shall not be exercised to such Extent as the Commissioners may deem expedient, and no Statute for effecting the Objects of such Powers, or no Statute which the Commissioners may deem sufficient for that Purpose, shall be submitted by the Principal

missioners may frame them.

and Professors of such College to the Commissioners, and approved of by them, before *the First Day of January One thousand eight hundred and fifty-eight*, it shall be lawful for the Commissioners to frame such Statutes or such further Statutes as shall appear to them to be expedient for the Purpose of effecting or promoting the Objects which the College is herein-before empowered to effect or promote; and all such Statutes, if sanctioned and confirmed as herein-after required, shall take effect as Statutes of such College, notwithstanding anything contained in the Statutes, Charters, or other Instruments of Foundation or Endowment thereof: Provided always, that all such Statutes, when properly settled by the Commissioners, shall be laid before the College to which the same relate *Two* Calendar Months before the same are submitted to Her Majesty in Council, as herein-after directed; and if within the same Period of *Two* Calendar Months *Two Thirds* of the Principal and Professors of the said College shall by Writing under their Hands declare that in their Opinion any One or more of such Statutes will be prejudicial to the said College as a Place of Learning and Education, then such Statute or Statutes shall not take effect, but it shall be lawful for the Commissioners to frame and submit another Statute or other Statutes for the like Purpose to the said College, and so on as often as Occasion shall require.

Principal and Professors may frame Statutes for the University.

XXV. The Principals and Professors of the Two Colleges of King's College and Marischal College may frame Statutes, but always in consistency with the Provisions of this Act,—

1. For regulating all Matters of Detail not herein specially regulated in connection with the Constitution, Government, or Discipline of the University, including all Matters of Detail in this Act referred to as Matters which may be prescribed in Terms hereof:
2. For regulating all Matters relating to the Appointment or Election, and Powers and Duties, and Tenure of Office, of all or any of the Office Bearers in the University:
3. For regulating all Matters relating to the Powers, Privileges, and Duties of the different Members and Governing Bodies of the University, and the Mode in which and the Parties by whom the Examinations for Degrees are to be conducted and Degrees conferred:
4. For regulating all Matters relating to the Seal of the University, and the Place or Places where and the Time or Time when all or any Meetings or Examinations connected with the University are to be held:
5. For regulating all Matters relating to the Libraries and Museums of the existing Universities:

6. For

6. For regulating the Mode in which and the Persons by whom the Accounts of the University are to be kept and audited:
7. For regulating the Mode in which Statutes or Byelaws of the University are to be proposed and passed, and the Effect which shall be given to the same:
8. Generally, for regulating all Matters necessary or proper to be fixed and determined in order to the carrying into full and complete Effect the Purposes of this Act:

But no such Statute shall be of any Force or Effect until it shall have been assented to by the Commissioners under their Seal, and shall have been approved by Her Majesty by an Order in Council, as herein-after mentioned.

Commissioners may frame University Statutes.

XXVI. If no Statute for any of the Purposes in the next preceding Section of this Act mentioned shall be submitted to the Commissioners for their Assent as aforesaid, or if any such Statute for such Purpose shall not be approved by the Commissioners, and shall not be assented to by them, the Commissioners, *after the First Day of January One thousand eight hundred and fifty-seven*, may frame Statutes for such Purpose, and such Statutes shall be laid before Her Majesty in Council in the Manner herein-after directed: Provided always, that it shall be sufficient to the Validity of any Execution by the Colleges of the Powers hereby conferred that such Execution is by a Majority of the Principal and Professors of each of the Two Colleges, and with the Assent of the Commissioners.

Statutes framed by Commissioners, and objected to, to be laid before Parliament.

XXVII. All Statutes framed by the Commissioners, and objected to by *Two Thirds* of the Principal and Professors of the College to which the same respectively relate, shall, in all Cases where new Statutes shall not have been substituted, under the Provisions of this Act, for such as shall have been objected to, be embodied in a Report to be transmitted forthwith to One of Her Majesty's Principal Secretaries of State, and laid before the Two Houses of Parliament.

Statutes to be laid before the Queen in Council.

XXVIII. All Statutes which, under the Power herein-before contained, shall be made by the Principal and Professors of any College, and be approved of by the Commissioners, and all Statutes which shall be framed by the Commissioners, and not objected to in manner foresaid, shall, after the Expiration of *Two* Calendar Months from the Time when the same shall have been submitted to the College, or shall have been approved of or assented to or framed by the Commissioners, be laid before Her Majesty in Council, and be forthwith published in the Edinburgh Gazette; and it shall be lawful for every College and for the University, and for any other Person directly affected by such Statutes, within *One Month* after the Publication as aforesaid in the Edinburgh Gazette, to petition Her Majesty in

Council, praying Her Majesty to withhold her Approbation of the whole or of any Part thereof; and every such Petition shall be referred by Her Majesty, by Order in Council, for the Consideration and Advice of *Five* Members of Her Privy Council, of whom *Two*, not including the Lord President, shall be Members of the Judicial Committee, who shall be named in such Order, and such *Five* Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Statutes to be laid before Parliament.

XXIX. All Statutes which shall be so published in the Edinburgh Gazette as aforesaid shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within *Three* Weeks after the Commencement of the next ensuing Session of Parliament; and unless an Address is within *Forty* Days presented by One or other of the said Houses, praying Her Majesty to withhold Her Consent from such Statutes or any Parts thereof, or unless the Approbation of Her Majesty shall be withheld on such Petition as aforesaid, it shall be lawful for Her Majesty, by Order in Council, to declare Her Approbation of such Statutes respectively, or any Parts thereof, to which such Address shall not relate, or of which She shall not withhold Her Approbation on such Petition, and the same shall thereupon become Statutes of the University of Aberdeen or of the College therein to which the same respectively relates; and if any such Statutes or any Part thereof shall not be so approved by Her Majesty, then the Commissioners may thereupon proceed to frame other Statutes in the Matter, and so on from Time to Time as often as Occasion shall require.

Statutes to be subject to Repeal.

XXX. Every Statute made in pursuance of the Provisions of this Act by the Commissioners, or by or on the Behalf of the University or any College, and likewise all Provisions herein-before contained respecting the Election, Constitution, Powers, and Proceedings of the University Council, shall be subject to Repeal, Amendment, and Alteration from Time to Time by the University or College, as the Case may be, with the Approval of Her Majesty in Council.

Persons becoming Members not to possess vested Interests.

XXXI. No Person who after the *passing of this Act* shall become a Member of either of the said Two Colleges, or who shall be elected or become eligible to any University or College Emolument, shall be deemed or taken to have acquired or to possess an existing Interest within the Meaning of this Act.

Interpretation.

XXXII. In the Construction of this Act the Expression "the University" shall mean the University of Aberdeen hereby established; and the Expression "the Commissioners" shall mean the Commis-

Commissioners appointed by this Act; and the Word "Graduate" shall include all Persons who at the Date of this Act hold any Academical Degree not merely honorary in either of the said existing Universities, or who shall hold any such Academical Degree in the University hereby established.

XXXIII. This Act shall take effect from and after the *Day of* When Act to take effect.

Aberdeen Colleges.

A

BILL

To provide for the Union of the Universities of King's College and Marischal College, Aberdeen.

(*Prepared and brought in by Mr. Bouverie and Mr. Thompson.*)

Ordered, by The House of Commons, *to be Printed,*
25 *June* 1856.

[Bill 267.]

Under 2 *oz.*

Advowsons Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Interpretation; Sect. 1.

Owners at a Public Meeting may order Advowson to be sold; 2.

Majority to bind Minority; 3.

Meeting to decide Question of Sale, and if decided in Affirmative to appoint elected Trustees; 4.

Certificate by Two Justices of Consent of Owners being obtained, and of Names (if any) of elected Trustees, to be sufficient Evidence; 5.

If determined to sell Advowson, same to become absolutely vested in Trustees, and Trustees to proceed to a Sale; 6.

Conveyance of the Advowson; 7.

Receipts of Trustees to be sufficient Discharges; 8.

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For supplying Vacancies in the Number of Trustees; 12.

Trustees not to be accountable for involuntary Losses; 13.

Vacancies in the Incumbency before Sale to be filled up; 14.

Owners may consent to advance Money for Purposes authorized by Acts commonly called Gilbert's Acts; 15.

Evidence of Consent; 16.

Extent of Act; 17.

A

BILL

TO

To enable Parishioners and others, forming a numerous Class, to sell Advowsons held by or in trust for them, and to apply the Proceeds in providing Parsonage Houses, augmenting small Livings, and to other beneficial Purposes; and for giving other Powers to such Persons.

WHEREAS it is expedient to authorize the Sale of Advowsons in Cases where the same are vested in, or in Trustees for, Inhabitants, Ratepayers, Freeholders, or other Persons, forming a numerous Class, and deriving no pecuniary Advantage therefrom, in order that the Monies arising from such Sales may be applied to the Erection, Rebuilding, or Improvement (where necessary) of Parsonage Houses, and to the Augmentation of the Livings (where the same are small), and to other beneficial Purposes as herein-after provided; and that other Powers should be conferred upon such Persons: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Interpretation.

I. Unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, the following Words shall have in this Section and elsewhere in this Act the respective Meanings hereby assigned to them; that is to say:—

The Word "Advowson" means an Advowson vested in Inhabitants, Ratepayers, Freeholders, or other Persons, forming a numerous Class, or in Trustees appointed by, or acting on behalf of, such Persons, such Persons deriving no pecuniary Advantage from the Exercise of such Right:

The Word "Owners" means the Inhabitants, Ratepayers, Freeholders, or other Class of Persons in whom, or in Trustees for whom, an Advowson is vested, such Persons deriving no pecuniary Advantage therefrom:

The Words "Existing Trustees" mean the Trustees in whom for the Time being an Advowson is vested by virtue of any Act of Parliament, Deed, or other Instrument, in trust for or on behalf of such Owners, and includes the Survivors and Survivor of such Trustees:

The Words "elected Trustees" mean the Persons appointed by the Owners under the Provisions of this Act to effect the Sale of an Advowson, and includes the Survivors and Survivor of such Trustees:

The Word "Trustees" without the Addition of the Words "existing" or "elected," includes both Classes of Trustees herein-before defined:

The Word "Incumbent" means the Rector, Vicar, or Perpetual Curate, as the Case may be, of a Church, or Ecclesiastical Benefice, the Advowson of which is to be dealt with under this Act, and includes the officiating Clergyman for the Time being if the Incumbent reside abroad or be incapable of acting.

Owners at a Public Meeting may order Advowson to be sold.

II. The Owners of an Advowson may direct the Sale of such Advowson, and the Incumbent for the Time being of the Church or Benefice, if required in Writing by Ten Owners, shall convene a Meeting of the Owners, to be held at some convenient Place near to the Church, for the Purpose of deciding whether or not such Advowson shall be sold; and every such Meeting shall be called by Public Advertisement, to be inserted Once at least in *Four* consecutive Weeks in some Newspaper circulating in the County and Neighbourhood in which such Church shall be situate, the last of such Insertions being not more than *Fourteen* nor less than *Seven* Days prior to any such Meeting, and Notice of such Meeting shall also, not less than *Fourteen* Days prior to the holding thereof, be affixed upon the Door of such Church.

III. At

Majority to bind Minority.

III. At the Meeting so called the Incumbent for the Time being (if present) shall be the Chairman, and if he be absent, then One of the Owners present, being appointed by the other Owners present, shall be the Chairman, and the Decision of the Majority of the Owners then present shall bind the Minority and all absent Parties.

Meeting to decide Question of Sale, and if decided in Affirmative to appoint elected Trustees.

IV. Such Meeting shall consider and determine the Question whether the Advowson shall be sold, and if that Question be resolved in the Affirmative, the existing Trustees (if such there be) shall be the Persons to execute the Purposes of this Act; but if there be no existing Trustees, the Owners shall proceed to appoint at that Meeting, or at some Adjournment thereof, not less than *Five* nor more than *Eleven* Persons, being Owners, to be "elected Trustees" for the Purposes of this Act, and the Incumbent for the Time being shall be ex officio an "elected Trustee" in addition to the Trustees so appointed.

Certificate by Two Justices of Consent of Owners being obtained, and of Names (if any) of elected Trustees, to be sufficient Evidence.

V. A Certificate under the Hands of Two Justices (not being themselves Owners), having Jurisdiction in the Parish, Township, District, or Place, within which the Church or Benefice in question is situate, certifying that the Consent of the Owners to a Sale of the Advowson has been duly obtained, and (in those Cases where it is necessary that "elected Trustees" be appointed) containing the Names, Residences, and Description of the "elected Trustees," shall be sufficient Evidence of such Consent and of such Appointment, and any Two Justices having Jurisdiction as aforesaid are hereby authorized and required, on Application to them made, and on being duly satisfied of the Truth of the Facts, to certify accordingly.

If determined to sell Advowson, same to become absolutely vested in Trustees, and Trustees to proceed to a Sale.

VI. Immediately upon the Grant of such Certificate the Advowson shall become absolutely vested in the Trustees for the Purpose of effecting such Sale, freed from all the Uses, Trusts, and Declarations for the Benefit of or otherwise relating to the Owners then affecting the same, but subject to the Right, Title, Estate, or Interest (if any) of every other Person therein; and the Trustees shall, as soon thereafter as conveniently may be, sell the Advowson by Public Auction or by Private Contract, and subject to any special Conditions as to them shall seem expedient, and may buy in the same at any Auction, and re-sell the same by Public Auction or by Private Contract, without being answerable for any Loss which may happen by such Re-sale, and shall have full Discretion in the Premises, and may execute and do all Contracts, Deeds, and other Acts necessary for effecting such Sale.

Conveyance of the Advowson.

VII. Any Conveyance of an Advowson in pursuance of this Act shall be by Deed (duly stamped), under the Hands and Seals of any *Three* of the Trustees, in which the Consideration shall be truly stated.

Receipts of Trustees to be sufficient Discharges.

VIII. The Receipt in Writing of *Three* of the Trustees for any Money paid to them by a Purchaser of the Advowson, shall be an effectual Discharge to such Purchaser for the Sum which in such Receipt shall be acknowledged to be received, and such Purchaser shall not be obliged to see to the Distribution of such Money, or be otherwise answerable or accountable for the Loss, Misapplication, or Nonapplication thereof.

Application of Monies.

IX. The Monies to be received by the Trustees from or by means of such Sale shall be applied by them in the following Order:

1st. In Payment of the Costs, Charges, and Expenses occasioned by any Meeting of Owners as aforesaid, and by the Execution of the Powers by this Act conferred upon the Trustees, or incident thereto, respectively:

2d. If there be no Parsonage House attached to the Advowson so sold, or if the Parsonage House attached thereto be dilapidated or insufficient, then in Payment of the Expense of erecting a Parsonage House, and of providing a Site for the same, or in the Reconstruction or Repair of the existing Parsonage House, or in making any requisite Additions thereto, as the Circumstances of the Case may require:

3d. If the Living be under the gross yearly Value of *One hundred and fifty Pounds*, then in investing a Sum sufficient to produce an annual Income which, together with the existing annual Income, will raise the yearly Value of the Living (exclusive of the Parsonage House) to not exceeding *One hundred and fifty Pounds* per Annum:

4th. If the Fabric of the Church be in such a State as to require immediate Repair, then in the Expenditure upon the Fabric of a Sum sufficient to place the same in sufficient Repair:

5th. In the Investment of a Sum, the annual Income whereof will, in the Opinion of the Trustees, be sufficient to maintain the Fabric of the Church in complete Repair:

6th. In the Erection of Schools in connexion with the Church, or of a Chapel of Ease in the Parish, Township, Ecclesiastical District, or Place in which such Church is situate, or of a Parsonage House to a Chapel of Ease, or in providing a Site for a Chapel of Ease or Parsonage House, or in the Endowment of a Chapel of Ease, or in contributing to such Objects or any of them, as the Trustees may in their Discretion see fit:

7th. If

7th. If there be no such Purposes to which such Monies are applicable, or if there be a Surplus of such Monies after answering such Purposes, then such Monies, or the Surplus thereof, as the Case may be, shall be invested, and the annual Income thereof shall be applied in aid of the Rates levied for the Relief of the Poor of the Parish, Township, or Place in which the Church is situate, or in aid of any Improvement Rate levied therein:

Provided always, that the Owners at any Meeting convened and held in manner herein-before provided may determine that any One or more of the Objects mentioned in the Fifth, Sixth, and Seventh Heads of Application respectively shall have Priority over any other Object mentioned in those Heads.

As to investing Monies.

X. The Trustees shall from Time to Time invest any Monies by this Act directed to be invested by them in the Purchase of any Government or Bank of England or East India Company's Stock or Securities, or on Mortgage of Freehold or Copyhold Lands in England or Wales, or in the Mortgages or Bonds of any Company incorporated by special Act of Parliament, as they may deem fit.

Resolutions of Trustees.

XI. The Concurrence of *Two Thirds* at least of the whole Number of Trustees shall be necessary to give effect to any Resolution of the Trustees, and every Resolution of the Trustees in which that Number shall concur shall be binding upon the other Trustees and upon the Owners on whose Behalf such Trustees are authorized to act.

For supplying Vacancies in the Number of Trustees.

XII. If any of the Trustees, before the complete Execution of the Trusts by this Act devolved upon them, should become incapable or unwilling to act or reside abroad, the Vacancies may, in the Case of existing Trustees, be supplied in the Manner provided by the Act of Parliament, Deed, or Instrument regulating their Proceedings; and in the Case of elected Trustees the Vacancies may be supplied by the Owners at any Meeting convened and held in manner herein-before provided with respect to the convening and holding of a Meeting of Owners for the Purpose of consenting to the Sale of an Advowson; and a Certificate of Two such Justices as aforesaid, and which such Justices, on being satisfied of the Truth of the Facts, are hereby authorized and required to grant, that such Vacancies have been supplied, and containing the Names, Residences, and Descriptions of the new Trustees, shall be conclusive Evidence of the Facts, and thereupon such new Trustees shall have the same Property, Rights, and Powers in and with respect to the Advowson as the Trustees in whose Place they were appointed.

Trustees not to be accountable for involuntary Losses.

XIII. Trustees acting by virtue of this Act shall not be answerable or accountable for the Acts, Neglects, or Defaults of any Co-Trustee, or for any Agent or Banker appointed by the Trustees, or for any Loss, except such as shall happen through their own wilful Act, Negligence, or Default.

Vacancies in the Incumbency before Sale to be filled up.

XIV. In case of the Death, Cession, or Resignation of any Incumbent of a Benefice after the Owners shall have directed the Advowson of such Benefice to be sold, but before the Sale shall have been effected, then the Persons in whom the Right of Presentation and Nomination would, but for this Act, have been vested, shall (under and subject to the Conditions under which such Right would, but for this Act, have been exercised) present and nominate a Person to such Benefice as if this Act had not been passed.

Owners may consent to advance Money for Purposes authorized by Acts commonly called Gilbert's Acts.

XV. The Owners of an Advowson, at a Meeting convened and held in manner herein-before provided with respect to the convening and holding of a Meeting of Owners for the Purpose of consenting to the Sale of an Advowson, may consent to the borrowing of Money from "The Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy," or from any other Society, or Persons, for the Purposes authorized by the Acts of the Seventeenth Year of King George the Third, Chapter Fifty-three, the Twenty-first Year of King George the Third, Chapter Sixty-six, the Seventh Year of King George the Fourth, Chapter Sixty-six, and the First and Second Years of Queen Victoria, Chapter Twenty-three, as fully and effectually as any Patron, absolutely entitled to an Advowson not within the Provisions of this Act, may lawfully do.

Evidence of Consent.

XVI. The Certificate of Two such Justices as aforesaid, which they are hereby authorized and required to grant on being satisfied of the Truth of the Fact, that such Consent has been duly given, shall be conclusive Evidence of the Fact, and such Certificate shall, for all Purposes whatever, be deemed the Consent of the Patron within the Meaning of those Acts.

Extent of Act.

XVII. This Act shall extend only to England and Wales.

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BILL

To enable Parishioners and others, forming a numerous Class, to sell Advowsons held by or in trust for them, and to apply the Proceeds in providing Parsonage Houses, augmenting small Livings, and to other beneficial Purposes; and for giving other Powers to such Persons.

(*Prepared and brought in by Mr. Child, Lord Robert Cecil, and Mr. Kendal.*)

Ordered, by The House of Commons, *to be Printed*, 4 *March* 1856.

[Bill 63.]

Under 1 *oz.*

12 *March* 1856. 19 Vict.

A

BILL

TO

Repeal the Act 16 & 17 Victoria, c. 30.; and to make better Provision for the Prevention and Punishment of aggravated Assaults upon Women and Children, and for preventing Delay and Expense in the Administration of certain Parts of the Criminal Law.

WHEREAS in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty's Reign an Act was passed, intituled "An Act for the better Prevention and Punishment of aggravated Assaults upon Women and Children, and for preventing Delay and Expense in the Administration of certain Parts of the Criminal Law:" And whereas the said Act has been found insufficient for the Protection of Women and Children from aggravated Assaults: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. That the said Act be and is hereby repealed. Repeal of Act.

Power of punishing on summary Conviction Assaults committed on Females, and Male Children under Fourteen Years of Age extended.

II. When any Person shall be charged before Two Justices of the Peace sitting at a Place where the Petty Sessions are usually held, or before any Magistrate of the Police Courts of the Metropolis sitting at any such Police Court, or before any Stipendiary Magistrate elsewhere, with an Assault upon any Female whatever, or upon any Male Child whose Age shall not in the Opinion of such Justices or Police or Stipendiary Magistrates exceed *Fourteen* Years, either upon the Complaint of the Party aggrieved or otherwise, it shall be lawful for the said Justices or Police or Stipendiary Magistrate, if the Assault is of such an aggravated Nature that it cannot in their or his Opinion be sufficiently punished under the Provisions of the Statute Ninth George the Fourth, Chapter Thirty-one, to proceed to hear and determine in a summary Way, and if they shall find the same to be proved, to convict the Person accused; and every Offender so convicted shall be liable to be imprisoned in the Common Gaol or House of Correction, with or without Hard Labour, for a Period not exceeding *Two* Calendar Months, nor less than *Fourteen* Days and if a Male to be once privately whipped, in addition to such Imprisonment as aforesaid, such Whipping to be inflicted not sooner than *Two* clear Days from the Date of the Conviction nor later than within *One clear Week* of the Termination of the said Term of Imprisonment as aforesaid, and, if the Magistrate or Magistrates shall so think fit, shall be bound to keep the Peace and be of good Behaviour for any Period not exceeding *Six* Calendar Months from the Expiration of such Sentence; and such Conviction shall be a Bar to all future Proceedings, Civil or Criminal, for or in respect of the same Assault; and no Person convicted under this Act shall be entitled to appeal against such Conviction to the General Quarter Sessions of the Peace, anything to the contrary in any Statute notwithstanding.

Court of General or Quarter Sessions may, upon Proof of Conviction and Notice to Parties, declare a Recognizance to keep the Peace or to be of good Behaviour to be forfeited.

III. Where any Recognizance to keep the Peace or to be of good Behaviour is entered into by any Person, as Principal or Surety, before the Court of General or Quarter Sessions of the Peace of any County, Riding, Division, City, Borough, or Place, or before any Justice or Justices of the Peace of any County, Riding, Division, City, Borough, or Place, it shall be lawful for any such Court of General or Quarter Sessions of the Peace as aforesaid, upon Applications made to such Court, to declare such Recognizance to be forfeited upon Proof of a Conviction of the Party bound by such Recognizance of any Offence which is in Law a Breach of the Condition of the same; and upon further Proof that a Notice in Writing, signed by the Person seeking to put such Recognizance in force, has, *Seven* clear Days before the Commencement of such Sessions, been personally served upon or left at the usual Place of Abode of the Party or each of the Parties (if more than One) who

who entered into such Recognizances, that an Application will be made to the said General or Quarter Sessions that the said Recognizance shall be declared forfeited, and if such Recognizance shall be declared forfeited, all such Proceedings shall be had thereon as in the Case of a Recognizance forfeited at such Court of General or Quarter Sessions, and all the Provisions of the Act of the Third Year of King George the Fourth, Chapter Forty-six, and of the Act of the Fourth Year of the said King, Chapter Thirty-seven, applicable to a Recognizance so forfeited at such Court, shall apply to a Recognizance which shall, upon such Application and Proof as herein-before mentioned, be declared to be forfeited; and upon Notice in Writing of such intended Application to the said General or Quarter Sessions being given to any Justice or Justices before whom any such Recognizance shall have been taken, *Four* clear Days before the Commencement of the said Sessions, the said Justice or Justices shall transmit the said Recognizance to the Clerk of the Peace of the County, Riding, Division, City, Borough, or Place within which the said Recognizance shall have been taken, with a Certificate that the said Recognizance is sent to him by reason of such last-mentioned Notice having been so given as aforesaid.

Detention of Persons committed to Prison for not entering into Recognizance limited.

IV. No Person committed to Prison under any Warrant or Order of One Justice of the Peace for or on account of not entering into Recognizances or finding Sureties to keep the Peace, or to be of good Behaviour, shall be detained under such Warrant or Order for more than *Twelve* Calendar Months from the Time of such Commitment.

Indictments for Misdemeanor not to be removed by Certiorari, except on Affidavit that a fair Trial cannot be had.

V. And whereas by reason of the Establishment of a Court of Criminal Appeal the Removal of Indictments by Writ of Certiorari is seldom necessary for the Decision of Questions of Law, but is nevertheless sometimes resorted to for Purposes of Expense and Delay: Be it enacted, That no Indictment, except Indictments against Bodies Corporate not authorized to appear by Attorney in the Court in which the Indictment is preferred, shall be removed into the Court of Queen's Bench, or into the Central Criminal Court, by Writ of Certiorari, either at the Instance of the Prosecutor or of the Defendant (other than the Attorney General acting on behalf of the Crown), unless it be made to appear to the Court from which the Writ is to issue, by the Party applying for the same, that a fair and impartial Trial of the Case cannot be had in the Court below, or that some Question of Law of more than usual Difficulty and Importance is likely to arise upon the Trial, or that a View of the Premises in respect whereof any Indictment is preferred, or a Special Jury, may be required for the satisfactory Trial of the same.

No Certiorari to issue to remove Indictment, unless Recognizance given for Payment of Costs.

VI. And whereas it is expedient to make further Provision for preventing the vexatious Removal of Indictments into the Court of Queen's Bench: Be it therefore enacted, That whenever any Writ of Certiorari to remove an Indictment into the said Court shall be awarded at the Instance of a Defendant or Defendants, the Recognizance now by Law required to be entered into before the Allowance of such Writ shall contain the further Provision following; that is to say, that the Defendant or Defendants, in case he or they shall be convicted, shall pay to the Prosecutor his Costs incurred subsequent to the Removal of such Indictment; and whenever any such Writ of Certiorari shall be awarded at the Instance of the Prosecutor, the said Prosecutor shall enter into a Recognizance (to be acknowledged in like Manner as is now required in Cases of Writs of Certiorari awarded at the Instance of a Defendant) with the Condition following; that is to say, that the said Prosecutor shall pay to the Defendant or Defendants, in case he or they shall be acquitted, his or their Costs incurred subsequent to such Removal.

How Costs to be taxed and recovered.

VII. The Costs herein-before respectively mentioned shall be taxed according to the Course of the Court of Queen's Bench; and for the Recovery thereof the Persons entitled thereto shall, at the Expiration of *Ten* Days after Demand made of the Person or Persons at whose Instance the Writ of Certiorari was awarded, and on Oath made of such Demand and Refusal of Payment, have a Writ of Attachment granted against him or them by the Court of Queen's Bench for such Contempt; and the said Court shall and may also order the said Recognizance to be estreated into the Exchequer.

If no Recognizance given, Court to try as if no Certiorari awarded.

VIII. If the Person or Persons at whose Instance any Writ of Certiorari shall be awarded shall not, before the Allowance thereof, enter into such Recognizance as is herein-before provided, the Court to which such Writ may be directed shall and may proceed to the Trial of the Indictment, as if such Writ of Certiorari had not been awarded.

Not to apply to certain Certioraris awarded.

IX. This Act shall not extend to any Writ of Certiorari awarded at the Instance of Her Majesty's Attorney General.

Secretary of State may issue his Warrant for bringing up a Prisoner (not in Custody under Civil Process) to give Evidence.

X. It shall be lawful for One of Her Majesty's Principal Secretaries of State, or any Judge of the Court of Queen's Bench or Common Pleas, or any Baron of the Exchequer, in any Case where he may see fit to do so, upon Application by Affidavit, to issue a Warrant or Order under his Hand for bringing up any Prisoner or Person confined in any Gaol, Prison, or Place, under any Sentence or under Commitment for Trial or otherwise, (except under Process in any Civil Action, Suit, or Proceeding,) before any Court, Judge, Justice, or other Judicature,

Judicature, to be examined as a Witness in any Cause or Matter, civil or criminal, depending or to be inquired of or determined in or before such Court, Judge, Justice, or Judicature; and the Person required by any such Warrant or Order to be so brought before such Court, Judge, Justice, or other Judicature shall be so brought under the same Care and Custody, and be dealt with in like Manner in all respects, as a Prisoner required by any Writ of Habeas corpus awarded by any of Her Majesty's Superior Courts of Law at Westminster to be brought before such Court to be examined as a Witness in any Cause or Matter depending before such Court is now by Law required to be dealt with.

XI. This Act shall not extend to Scotland or Ireland. Extent of Act.

Aggravated Assaults.

A

BILL

To repeal the Act 16 & 17 Victoria, c. 30.; and to make better Provision for the Prevention and Punishment of aggravated Assaults upon Women and Children, and for preventing Delay and Expense in the Administration of certain Parts of the Criminal Law.

(*Prepared and brought in by Mr. Dillwyn and Viscount Emlyn.*)

Ordered, by The House of Commons, *to be Printed,* 12 *March* 1856.

[Bill 68.]

Under 1 *oz.*

Agricultural Statistics Bill.

ARRANGEMENT OF CLAUSES.

Sect.

1. Yearly Return of Land and Live Stock. Schedule, Form A.
2. Abstracts of Returns to be made and published.
3. Schedule to the Act and Limit of Acreage may be altered.
4. Appointment of Collectors and Receivers of Returns.
5. Overseers to furnish Extracts from Rate Book. Schedule, Form B.
6. Occupiers to make Returns.
7. Occupiers not making Returns may be examined;
   Or made to pay the Expense of obtaining the Information.
8. Right of Inspection of Rate Books and Tithe Commutation Map, and Apportionment of Rentcharge.
9. Penalties.
10. Forfeitures to be recovered summarily,
    Application of Forfeitures.
11. Evidence.
12. Allowances and Expenses.
13. Construction of Terms in this Act.
14. Short Title.

SCHEDULES.

FORM A. Return from Occupiers of Land.

FORM B. Extract from Poor's Rate.

A

B I L L

INTITULED

An Act for making Provision for the Collection of Agricultural Statistics.

WHEREAS it is expedient that Provision be made for ascertaining yearly, as nearly as may be, the Acreage and Produce of Land, and the Quantity of Live Stock, in England and Wales: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Poor Law Board shall every Year take Measures to obtain, from every Occupier of not less than Two Statute Acres of Land in England and Wales, a Return, referring to the First Day of July in each Year, of the Particulars of Information set forth in the Form A. in the Schedule annexed to this Act. Yearly Return of Land and Live Stock. Schedule A.

II. As soon as may be after such Returns are obtained, the Poor Law Board shall cause them to be abstracted and arranged in the Order of Counties, and shall deliver the Abstracts so made to the Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade, for Publication in such Form and Manner, and at such Time not later than the First of September, as to the said Lords may seem fit. Abstracts to be made and published.

Schedules and Limit of Acreage may be altered.

III. It shall be lawful for the Lords of the said Committee from Time to Time by any Order of the said Committee to alter the said Form A.; and to reduce or enlarge, as they see Occasion, the Minimum Number of Acres to which the Return to be made by Occupiers of Land under this Act shall extend; and a Copy of every such Order shall be forthwith laid before Parliament, if then sitting, or if Parliament be not then sitting, within Fourteen Days after the Opening of the next Session of Parliament; and the Form and the Minimum Number of Acres so altered shall be deemed, without any other or further Publication thereof, to be in all respects of the same Force and Obligation as if the same were provided and required by this Act.

Appointment of Collectors and Receivers of Returns and Estimators of Produce.

IV. The Poor Law Board may employ such Persons as they think fit to distribute, collect, and receive the Returns, and to make any Estimate of the average Rate of Produce per Statute Acre of any of the Crops described in the said Form A.

Overseers to furnish Extracts from Rate Book. Schedule B.

V. On or before the First Day of February in every Year, the Overseers of the Poor of every Parish shall make and certify by their Signatures, and transmit by Post or otherwise, to the Poor Law Board, an accurate Extract and Copy, according to the Form B. in the Schedule to this Act, of the Rate then last made for the Relief of the Poor, so far as such Rate relates to Occupiers rated in respect of Land of the Extent limited by this Act or by the Order of the Lords of the said Committee, to the Names of such Occupiers, to the Names and Situation of the Properties in respect of which they are so rated, and to the estimated Extent thereof; and such Overseers shall add to such Extract a Note of all Changes in respect of any of the Matters described therein that have come to their Knowledge since the making of the said Rate.

Occupiers to fill up Form A.

VI. Every Occupier of Land of the Extent limited by this Act, or by the Order of the Lords of the said Committee, to whom any Copy of the said Form A. is delivered, or at whose Dwelling it has been left, shall fill up the Blanks in such Form, by inserting the Particulars of Information therein specified and described, and shall certify the same to be true by signing it, and shall return the same to the Person appointed to collect such Returns, at the Time and in the Manner notified at the Foot of the said Copy; or such Occupier may appoint some other Person in his Behalf to fill up the Blanks in such Form, and to certify the same to be true by signing it, in which Case the Person so filling up and signing a Form on behalf of any Occupier, shall state in Writing that he signs the same by Appointment of such Occupier.

VII. If

VII. If any Occupier of Land to whom any Copy of the said Form A. is delivered, or at whose Dwelling it is left, do not fill up or cause to be filled up the Blanks therein, by inserting truly the Particulars of Information therein specified and described, or do not return such Copy so filled up to the Person appointed to collect the same within the Time mentioned in the said Form, any Justice of the Peace may, on the Application of such Person or of any Person appointed to collect or receive Returns under this Act, summon such Occupier before any Justice of the Peace, and on the Appearance of such Occupier any One Justice of the Peace may examine him as to all or any of such Particulars of Information, and such Justice shall insert in a Copy of such Form the Effect of the Answers of such Occupier; and in every such Case such Occupier shall pay the Costs of the Summons and Proceedings, and a reasonable Sum, not exceeding Twenty Shillings, to be paid to the Collector or the Person taking the Proceedings, for his Trouble, Expenses, and Loss of Time, to be recovered as a Penalty, adjudged on a summary Conviction; and the Copy of the Form, with the Insertions so made by such Justice, shall be signed by him and delivered to the Person authorized to collect or receive the Return; but if such Occupier do not appear on such Summons, or do not upon Examination make Answer as to all or any of the said Particulars of Information to the Satisfaction of the Justice making the Examination, such Justice may by Warrant under his Hand and Seal direct the Person appointed to collect or receive the Return from such Occupier to proceed to obtain by other Means the said Particulars of Information, and may by such Warrant further order such Person, or any Surveyor or other Person as such Justice may think fit, to enter upon and inspect the Lands of such Occupier, for the Purpose of ascertaining such Particulars, for which Entry and Inspection by any Person or Persons named in such Warrant, such Warrant shall be deemed a sufficient Licence; and any One Justice of the Peace may summarily order such Occupier to pay the reasonable Expenses, if any, and a reasonable Compensation for the Trouble and Loss of Time incurred by such Collector, Receiver, Surveyor, or other Person in obtaining such Information.

Occupier neglecting to make a Return may be examined as to the Particulars before a Justice;

or may be made to pay the Expense of obtaining the Information.

VIII. Every Person appointed to assist in carrying this Act into execution shall, at all reasonable Times, while employed in the Execution of this Act, be authorized and entitled to demand and have Inspection of the Poor's Rate Books of every Parish and Township within which he is appointed to act, and to make Copies or Extracts therefrom for the Purposes of this Act, without paying anything for the same; and also to demand and have Inspection of the Parish or Tithe Commutation Map, and of the Apportionment of the Rentcharge in lieu

Inspection of Rate Book and Parish and Tithe Commutation Maps.

lieu of Tithes, of any Parish or Place within which he is appointed to act, and to make any Measurements or Tracings from such Map, or Notes from such Map or Apportionment, for the Purposes of this Act, without paying anything for the same.

Penalties;

IX. If any Overseer neglect to transmit to the Poor Law Board, on or before the First Day of February in any Year, the Extract from the Rate Book required by this Act;

Or if any Overseer or other Person having the Custody of the Poor Rate Books of any Parish do not, on the reasonable Demand of any Person entitled to inspect the same for the Purposes of this Act, permit such Person to inspect the same, or to make any Copy or Extract therefrom;

Or if any Churchwarden or other Person having the Custody of the Parish or Tithe Commutation Map or Apportionment of Rent-charge of any Parish or Place do not, on the Demand of any Person entitled to inspect the same for the Purposes of this Act, permit such Person to inspect the same, or to make any Measurements or Tracings from such Map, or Notes from such Map or Apportionment, for the said Purposes;

Or if any Person appointed or employed to distribute, collect, or receive Returns under this Act, do not duly and faithfully distribute, collect, receive, or dispose of the same in pursuance of his Appointment and the Instructions of the Poor Law Board;

Every such Overseer, Churchwarden, or other Person so offending shall be liable to forfeit a Sum not exceeding Five Pounds:

If any Occupier of Land to whom any Copy of the said Form A. is delivered, or at whose Dwelling it is left, do not fill up or cause to be filled up the Blanks therein, by inserting the Particulars of Information therein specified and described;

Or if he wilfully insert therein any Particular falsely or inaccurately;

Or if he do not certify the same or cause the same to be certified in the Manner provided by this Act;

Or if he do not return such Copy so filled up to the Person appointed to collect the same;

Or if any Person wilfully destroy or deface any Copy of such Form, after the same has been issued by the Poor Law Board, and before the same has been abstracted under the Provisions of this Act;

Every such Occupier or Person so offending shall be liable to forfeit any Sum not exceeding Forty Shillings.

Forfeitures to be recovered summarily;

X. Every Forfeiture incurred by reason of the Commission of any Offence under this Act may be recovered on a summary Conviction thereof before any Two Justices of the Peace by Distress.

But

But no Proceedings for the recovering of any such Forfeiture shall be commenced, except within Three Months after the Commission of the Offence, nor against any Occupier of Land for omitting to fill up or certify or return any Copy of the said Form A., from whom any Costs of his Examination or Expenses incident thereto, or to the otherwise obtaining of any Particulars of Information, have been recovered under the Provisions of this Act. not to be sued for, except within Three Months.

XI. In any Proceeding for the Enforcement of any Forfeiture under this Act, the Production of any Form purporting to be a Form issued under the Authority of this Act, shall be received as primâ facie Proof that such Form was so issued. Evidence.

XII. The Poor Law Board shall from Time to Time prepare a Table of the Allowances to be made to the Persons employed to distribute, collect, and receive Returns, or to make the Estimates of Produce required by this Act, or otherwise employed in carrying this Act into execution, and shall submit the same to the Commissioners of Her Majesty's Treasury for their Approval; and all such Allowances, and all other Expenses incurred by the Poor Law Board under and by virtue of the Provisions of this Act, shall be defrayed out of any Funds to be provided for that Purpose by Parliament. Allowances and Expenses.

XIII. In the Construction of this Act the following Words shall have the respective Meanings hereby assigned to them, when such Meanings are not inconsistent with the Context and the Subject Matter; (that is to say,) Construction of Terms in this Act.

"Parish" shall include any Township or Village, or other Place separately maintaining its own Poor:

"Statute Acre" shall mean an Acre of Land containing Four thousand eight hundred and forty Square Yards computed by the Imperial Standard Measure.

XIV. In citing this Act it shall be sufficient to name it as "The Agricultural Statistics Act, 1856." Short Title.

SCHEDULE to which the foregoing Act refers.

FORM A.

County of_____

_____ Parish, or Township, or Place.

No. of Return

AGRICULTURAL STATISTICS.

Return to be made by Occupiers of Land.

BEING a TRUE RETURN of the Quantity, in Statute Acres, of Land in the Occupation of _____; distinguishing the Quantity of such Land under each of the under-mentioned Descriptions of Crops, on the 1st Day of July 18 ; and a Return, also, of the Number of each of the under-mentioned Descriptions of Live Stock on such Land on the 1st Day of July 18 .

NUMBER of STATUTE ACRES under TILLAGE.													
Wheat.	Barley.	Oats.	Rye.	Beans.	Peas.	Vetches.	Turnips.	Mangold.	Carrots.	Potatoes.	Hops.	Other Crops.	Bare Fallow.

NUMBER of STATUTE ACRES, under GRASS.			
Clover, Lucerne, and other Artificial Grasses.	Pasture.	Irrigated Meadows.	Sheep Walks and Downs.

STOCK.							
Horses of all Kinds of Two Years old and upwards.	Horses of all Kinds under Two Years old.	Milch Cows.	Calves.	Other Cattle, including Working Oxen.	Sheep of all Kinds, except Lambs.	Lambs.	Swine.

Dated _____ 18___ .

Signature of Occupier _____

Note.—This Return is required by the Act of Parliament (19 & 20 Vict. Cap. .) It is to be accurately filled up on some Day between the 1st and the 8th Day of July 18 , and to be returned [*insert the Directions of the Poor Law Board*] on any Day between the th and the th Day of July 18 [*copy the Penal Clauses in the Act relating to this Return*].

FORM B.

EXTRACT made under the Provisions of the Act, the 19 & 20 Vict. Cap. . from the Assessment for the Relief of the Poor of the Parish of_____ in the County of_____, made the_____Day of_____ in the Year 18____.

No.	Name of Occupier.	Name or Situation of Property.	Estimated Extent.
			A. R. P.

We hereby certify, That the foregoing is an accurate Extract and Copy of the last Rate made for the Relief of the Poor of the before-named Parish, so far as the said Rate relates to Occupiers of Land of the Extent of _____ Statute Acres or more.

But since the said Rate was made, it has come to our Knowledge that the following Changes have taken place in the Occupation of the Properties referred to in the foregoing Extract, viz. :

No.	Name of Occupier.	Name or Situation of Property.	Estimated Extent.
			A. R. P.

_____ } Overseers.

_____ } Churchwardens.

Agricultural Statistics.

A

B I L L

INTITULED

An Act for making Provision for the Collection of Agricultural Statistics.

(*Brought from the Lords* 10 *April* 1856.)

Ordered, by The House of Commons, *to be Printed,*
11 *April* 1856.

[Bill 97.]

Under 2 *oz.*

A

BILL

TO

Extinguish certain Rights of Way and to stop up certain Roads and Paths near the Camp at Aldershot.

WHEREAS certain open or common Lands and some enclosed Lands in the several Parishes of Aldershot, Yateley, Farnborough, and Crondall, in the County of Southampton, and in the Parish of Farnham in the County of Surrey, were purchased under the Powers of several Acts of Parliament, viz., an Act of the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Ninety-four, an Act of the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Sixty-seven, and an Act of the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and Seventeen, and are now vested in Her Majesty's Principal Secretary of State for the War Department with perpetual Succession upon Trust for Her said Majesty and Her Successors, and the said Lands respectively have been appropriated for and are used as a Military Camp, and with certain other open or common Lands and enclosed Lands respectively in the said Parishes, or in some of them, are intended to be continued to be used for the Purposes of a Military Camp, Preamble.

Camp, and for the Instruction and training of Troops in the Science of War and their Duties relating thereto: And whereas Compensation has been paid for the Right in the Soil and for the commonable and other Rights in and over all the said open or common Lands which were purchased and are now vested in the said Principal Secretary of State for the War Department as aforesaid, and all Rights and Appurtenances belonging thereto: And whereas there are certain Roads, Paths, and Rights of Way now existing in, through, across, and adjoining to the lastly-mentioned open or common Lands and the said enclosed Lands which were purchased as aforesaid, and also in, through, across, over, and adjoining to the other open or common Lands and enclosed Lands respectively intended to be (with the said Lands already vested in the Principal Secretary of State for the War Department as aforesaid) comprised in and to be used for the Purposes of the said Military Camp as aforesaid, which said Roads, Paths, and Rights of Way (except the Turnpike Road leading from Farnham to Bagshot and the Road leading thereto from Aldershot) if they were suffered to continue would very much interfere with and impede the useful Purposes intended to be effected by the Formation of the Military Camp aforesaid, and would be greatly detrimental to the Public Service, and it is therefore expedient that all the said Roads, Paths, and Rights of Way respectively (except the Turnpike Road and the Road leading thereto respectively aforesaid) should be stopped up: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Rights of Way over Roads extinguished.

I. All Rights of Way, Easements, and other Rights and Privileges over, in, or relating to all and every the Roads, Paths, and Ways (except the Turnpike Road leading from Farnham to Bagshot and the Road leading from the Village of Aldershot to the said Turnpike Road, at a Distance of Three hundred Feet or thereabouts South of the Third Mile Stone from Farnham to Bagshot,) through, across, over, or adjoining to all or any of the Lands respectively heretofore having been or now being open or common Lands in the said Parishes of Aldershot and Yateley in the said County of Southampton, and in the said Parish of Farnham in the said County of Surrey, and enclosed Lands in the same several Parishes respectively, and also in the said Parishes of Farnborough and Crondall in the said County of Southampton, and also respectively now used or to be used for the Purposes of the said Military Camp, shall respectively be discontinued, and shall cease from the respective Times following (that is to say), from and after *the passing of this Act* as to the said Rights, Easements, and Privileges respectively over, in, or relating to

to the said Roads, Paths, and Ways through, across, over, or adjoining to such of the said open or common Lands and enclosed Lands respectively as were purchased and are now vested in the said Principal Secretary of State for the War Department, and have been appropriated and are now used for the Purposes of the said Military Camp as aforesaid; and from and immediately after the Payment by the Principal Secretary of State for the War Department for the Time being of the Compensation for or the Consideration for the Purchase of all the other open or common Lands and enclosed Lands respectively which hereafter shall be used or required for the same Purposes from Time to Time as to aforesaid Rights, Easements, and Privileges respectively over, in, or relating to the said Roads, Paths, and Ways through, across, over or adjoining to the lastly-mentioned Lands respectively; and immediately upon the several Rights, Easements, and Privileges respectively aforesaid ceasing, or at any Time afterwards, the Principal Secretary of State for the War Department shall or may stop up or cause to be stopped up all the said several Roads, Paths, and Ways respectively, and thereupon public Notice shall be given of the stopping up of the said Roads, Paths, and Ways respectively by Advertisement in the London Gazette, and in some local Newspaper published or circulated in either of the said Counties of Southampton and Surrey, and also on the Church Doors of the said several Parishes respectively: Provided always, that this Act shall not prejudice or interfere with any of the Powers of the Principal Secretary of State for War for the Time being under the said recited Acts or any or either of them.

Aldershot Camp.

A

BILL

To extinguish certain Rights of Way and to stop up certain Roads and Paths near the Camp at Aldershot.

(*Prepared and brought in by Mr. Monsell and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed*, 22 *February* 1856.

[Bill 44.]

Under 1 *oz.*

5 *June* 1856. 19 Vict.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Extinguish certain Rights of Way and to stop up certain Roads and Paths near the Camp at Aldershot.

[Note.—*The Clauses marked* A. *to* G. *were added by the Select Committee.*]

Preamble.

WHEREAS certain open or common Lands and some enclosed Lands in the several Parishes of Aldershot, Yateley, Farnborough, and Crondall, in the County of Southampton, and in the Parish of Farnham in the County of Surrey, were purchased under the Powers of several Acts of Parliament, viz., an Act of the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Ninety-four, an Act of the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Sixty-seven, and an Act of the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and Seventeen, and are now vested in Her Majesty's Principal Secretary of State for the War Department with perpetual Succession upon Trust for Her said Majesty and Her Successors, and the said Lands respectively have been appropriated for and are used as a Military Camp, and with certain other open or common Lands and enclosed Lands respectively in the said Parishes, or in some of them, are intended to be continued to be used for the Purposes of a Military

Camp, and for the Instruction and training of Troops in the Science of War and their Duties relating thereto: And whereas Compensation has been paid for the Right in the Soil and for the commonable and other Rights in and over all the said open or common Lands which were purchased and are now vested in the said Principal Secretary of State for the War Department as aforesaid, and all Rights and Appurtenances belonging thereto: And whereas there are certain Roads, Paths, and Rights of Way now existing in, through, and across the lastly-mentioned open or common Lands and the said enclosed Lands which were purchased as aforesaid, and also in, through, across, and over the other open or common Lands and enclosed Lands respectively intended to be (with the said Lands already vested in the Principal Secretary of State for the War Department as aforesaid) comprised in and to be used for the Purposes of the said Military Camp as aforesaid, which said Roads, Paths, and Rights of Way (except the Turnpike Road leading from Farnham to Bagshot and the Road leading thereto from Aldershot, and also another Road leading thereto at a Point opposite Heath Villa from the Entrance of a Lane called Cranmoor Lane,) if they were suffered to continue would very much interfere with and impede the useful Purposes intended to be effected by the Formation of the Military Camp aforesaid, and would be greatly detrimental to the Public Service, and it is therefore expedient that all the said Roads, Paths, and Rights of Way respectively (except the Turnpike Road and the Road leading thereto respectively aforesaid) should be stopped up: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Rights of Way over Roads extinguished.

I. All Rights of Way, Easements, and other Rights and Privileges over, in, or relating to all and every the Roads, Paths, and Ways (except the Turnpike Road leading from Farnham to Bagshot, the Road leading from the Village of Aldershot to the said Turnpike Road, at a Distance of Three hundred Feet or thereabouts South of the Third Mile Stone from Farnham to Bagshot, and the Road leading to the said Turnpike Road at a Point opposite Heath Villa from the Entrance of Cranmoor Lane,) through, across, and over all or any of the Lands respectively heretofore having been or now being open or common Lands in the said Parishes of Aldershot and Yateley in the said County of Southampton, and in the said Parish of Farnham in the said County of Surrey, and enclosed Lands in the same several Parishes respectively, and also in the said Parishes of Farnborough and Crondall in the said

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County of Southampton, and also respectively now used or to be used for the Purposes of the said Military Camp, shall, (subject to the Restrictions herein-after contained with reference to certain of those Roads, Paths, and Ways) respectively be discontinued, and shall cease from the respective Times following (that is to say), from and after the passing of this Act as to the said Rights, Easements, and Privileges respectively over, in, or relating to the said Roads, Paths, and Ways through, across, or over such of the said open or common Lands and enclosed Lands respectively as were purchased and are now vested in the said Principal Secretary of State for the War Department, and have been appropriated and are now used for the Purposes of the said Military Camp as aforesaid; and from and immediately after the Payment by the Principal Secretary of State for the War Department for the Time being of the Compensation for or the Consideration for the Purchase of all the other open or common Lands and enclosed Lands respectively which hereafter shall be used or required for the same Purposes from Time to Time as to aforesaid Rights, Easements, and Privileges respectively over, in, or relating to the said Roads, Paths, and Ways through, across, over or adjoining to the lastly-mentioned Lands respectively; and immediately upon the several Rights, Easements, and Privileges respectively aforesaid ceasing, or at any Time afterwards, the Principal Secretary of State for the War Department shall or may stop up or cause to be stopped up all the said several Roads, Paths, and Ways respectively, and thereupon public Notice shall be given of the stopping up of the said Roads, Paths, and Ways respectively by Advertisement in the London Gazette, and in some local Newspaper published or circulated in either of the said Counties of Southampton and Surrey, and also on the Church Doors of the said several Parishes respectively.

CLAUSE A. Confirmation of Agreement as to certain Roads.

II. A certain Agreement bearing Date the Thirty-first Day of May One thousand eight hundred and fifty-six, and made between the Persons therein named, and who are therein mentioned to be acting as and for a Committee of the Landowners of the Parishes of Odiham, Dogmersfield, Winchfield, Crondall, Elvetham, and Heckfield, in the County of Southampton, appointed in reference to the Roads therein-after mentioned at a Meeting of such Landowners held on the Twenty-eighth Day of September last, of the one Part, and the Right Honourable Fox Baron Panmure, Her Majesty's Principal Secretary of State for the War Department, of the other Part, whereby, for a Consideration therein expressed, the said Principal Secretary of State for the War Department agreed with the said Committee of Landowners to form and make at the Expense of Government a good Road of Thirty Feet wide from B. to C. in the

Course or Direction of the Line coloured Black between such Letters on the Map or Plan annexed to the said Agreement, or as near thereto as could be arranged, and another Road of the same Width from D. to B. in the Course or Direction of the Line also coloured Black between such Letters in the same Map or Plan, and also a short Branch from H. to G. in the Course or Direction of the Line coloured Black between such last-mentioned Letters in the said Map or Plan, shall be and the same is hereby confirmed, and the Completion of such Roads shall be certified by Two Justices of the Peace for the said County of Southampton, in accordance with the Provisions of the Public General Act, Fifth and Sixth William the Fourth, Chapter Fifty, or any Application made to them by or on behalf of the said Principal Secretary for the Time being, and which Certificate shall be enrolled as provided by that Act: Provided always, that certain Roads mentioned in the said Agreement, videlicet, the Road called the Harrington Road from E. to F. dotted Black in the said Map or Plan, and the Roads from D to G. and from G. to K., respectively coloured Blue on the said Map or Plan, (being some of the Roads which are herein authorized to be stopped up,) shall not be stopped up until the said Roads which are to be formed and made as aforesaid shall have been completed and shall be certified as aforesaid.

Clause B. Copy of Agreement and Plan to be deposited.

III. A Copy of the said Agreement, and of the Plan annexed, verified by the Signature of the Principal Secretary of State for the War Department for the Time being, shall, within One Month next after the passing of this Act, be deposited with the Clerk of the Peace for the County of Southampton, and shall be retained by him, and all the Provisions of the Public General Act of the First Year of the Reign of Her present Majesty, Chapter Eighty-three, shall extend and apply thereto.

Clause C. Surveyors of certain Tythings to be allowed to take Gravel from the Ordnance Property for Repairs of new Roads, &c.

IV. The Road Surveyors of the Tythings of Crookham and Ewsholt, in the Parish of Crondall, shall be allowed by Her Majesty's Principal Secretary of State for the War Department for the Time being to dig and take Gravel for the Repair of so much of the new Roads as shall or may be situate in the said Tythings from such Parts of the adjacent Lands of the said Principal Secretary for the Time being as shall or may be appointed or approved of by or on the Part of the said Principal Secretary, and in such Quantities and under such Regulations in all respects as shall or may be fixed or approved of by or on the Part of such Principal Secretary.

Clause D. Ordnance to set out Ground for certain Roads.

V. Within Twelve Months next after the passing of this Act the said Principal Secretary for the Time being shall provide and set out upon the Lands of the said Principal Secretary a sufficient Occupation

or

or Farm Road, of the Width throughout of Thirty Feet at the least, for the Use of Horses, Carts, and Carriages, commencing at the North End of Sandy Pit Lane in the said Parish of Aldershot, and running thence in a Northward and Eastward Direction along the Boundary of the Lands there now vested in the said Principal Secretary to a Point where that Boundary meets the said Road leading from the Village of Aldershot to the said Turnpike Road, and also a sufficient Occupation or Farm Road for Horses, Carts, and Carriages, commencing from the North End of Yew Tree Hatch Lane, in the said Parish of Aldershot, and running thence in a Northward Direction to join the said Road leading from the said Village of Aldershot to the said Turnpike Road.

CLAUSE E. Ordnance to make certain Roads.

VI. Within Twelve Months next after the passing of this Act the said Principal Secretary for the Time being shall, upon the Lands of the said Principal Secretary, provide and complete fit for the Passage thereon of Horses, Carts, and Carriages, a Road (of the Width of Thirty Feet at least throughout) commencing from and out of Sandy Pit Lane aforesaid in the said Parish of Aldershot, at or near to the Farm Buildings of West End Farm, and running thence in a North-westward and Westward Direction, and terminating by a Junction with the said Turnpike Road at a Point lying Thirty-five Chains or thereabouts to the South of the Milestone on that Turnpike Road denoting Three Miles from Farnham, and also a Road commencing from and out of the lastly-described intended new Road, near a House called Mount Pleasant, and running thence Eastward along the aforesaid Boundary to the Northern End of Sandy Pit Lane aforesaid.

CLAUSE F. Inclosure Commissioners to set out certain Occupation Roads.

VII. The Inclosure Commissioners for England and Wales shall, within Six Calendar Months after the passing of this Act, upon the Application of the said Principal Secretary of State, or of any Owner, Lessee, or Occupier of Lands adjoining to Aldershot, Farnham, Ash, and Cove Commons respectively, set out such Occupation Roads on the Boundaries of the said Commons on the Lands of the said Principal Secretary, as the said Commissioners may think necessary for the convenient Use and Occupation of the said Lands of such Owners, Lessees, and Occupiers.

CLAUSE G. Saving Right of Secretary at War.

VIII. Provided always, That this Act shall not prejudice or interfere with any of the Powers of the Principal Secretary of State for War for the Time being under the said recited Acts, or any or either of them.

Aldershot Camp.

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BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To extinguish certain Rights of Way and to stop up certain Roads and Paths near the Camp at Aldershot.

(*Prepared and brought in by Mr. Monsell and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed*, 5 *June* 1856.

[Bill 163.]

Under 1 *oz.*

Annuities Bill.

ARRANGEMENT OF CLAUSES.

Contributors for 100*l.* entitled to 111*l.* 2*s.* 2*d.* in the Three per Cent. Consols; Sect. 1.

Contributors who have made Deposits to pay the Remainder of Subscriptions by Instalments; 2.

Guardians may subscribe for Infants; 3.

Dividends on Stock when to be payable; 4.

Time at which Stock may be transferred; 5.

Contributors may anticipate Payments; 6.

Annuities payable and transferable at the Bank; 7.

Money may be issued out of the Consolidated Fund for Payment of Annuities and Charges in respect of 5,000,000*l.*; and shall be charged upon the said Fund; 8, 9.

The Bank to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities; 10.

Cashier to give Receipt for Subscriptions which may be assigned before 4th April 1856; Cashier to give Security for paying the Money he receives into the Exchequer; 11.

Treasury may apply the Money paid into the Exchequer; 12.

A Book to be kept in the Accountant General's Office for entering Contributors Names, a Duplicate whereof to be transmitted to the Exchequer; 13.

Subscriptions paid in part and not completed, forfeited; 14.

Annuities to be deemed Personal Estate; 15.

Accountant General to keep Books for entering Transfers; Transfers not liable to Stamp Duties; 16.

Treasury to defray Incidents; 17.

Allowance for the Expense of Management; 18.

Three per Cent. Annuities shall be added to the Joint Stock of the Three per Cent. Consols; 19.

Sinking Fund; 20.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony; 21.

Bank to continue a Corporation till the Annuities hereby granted cease; 22.

No Fee to be taken for receiving Contributions or paying or transferring Annuities, on Penalty of 20*l.*; 23.

Persons sued may plead the General Issue; 24.

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B I L L

FOR

Raising Five Millions by way of Annuities.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, being desirous to raise the necessary Supplies which we have cheerfully granted to Your Majesty, have resolved that the Sum of *Five Millions* be raised by Annuities in manner herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Every Contributor towards raising the said Sum of *Five Millions* shall for every *One hundred Pounds* contributed and paid be entitled to the Principal Sum of *One hundred and eleven Pounds Two Shillings and Twopence* in Consolidated Annuities, after the Rate of *Three Pounds* per Centum, to commence and be payable as herein-after mentioned.

Every Contributor of 100*l.* entitled to 111*l.* 2*s.* 2*d.* in the Three per Cent. Consols.

Contributors who have made Deposits to pay the Remainder of Subscriptions by Instalments.

II. And whereas, pursuant to and upon the Terms and Conditions expressed in the said Resolution, several Persons have, in Books opened at the Bank of England for that Purpose, subscribed together the whole of the said Sum of *Five Millions* to be raised by Annuities, and made Deposits of Ten Pounds per Centum on the respective Sums by them so subscribed to the said Sum of *Five Millions* with the Cashiers of the Governor and Company of the Bank of England:

It shall and may be lawful to and for such Contributors who have made such Deposits with the Cashier or Cashiers of the Governor and Company of the Bank of England (which Cashier or Cashiers is and are hereby appointed the Receiver and Receivers of such Contributions, without any other Warrant to be had in that Behalf,) to advance and pay unto the said Cashier or Cashiers of the Governor and Company of the Bank of England the several Remainders of the Sums by them respectively subscribed towards the said Sum of *Five Millions*, on or before the respective Days and in the Proportions herein-after mentioned; (that is to say,) Ten Pounds per Centum on or before the Third Day of March One thousand eight hundred and fifty-six; Twenty-five Pounds per Centum on or before the Thirteenth Day of March One thousand eight hundred and fifty-six; Twenty-five Pounds per Centum on or before the Twenty-ninth Day of March One thousand eight hundred and fifty-six; Fifteen Pounds per Centum on or before the Tenth Day of April One thousand eight hundred and fifty-six; and the remaining Fifteen Pounds per Centum on or before the Twenty-fourth Day of April One thousand eight hundred and fifty-six.

Guardians may subscribe for Infants.

III. It shall be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant to contribute and pay for or towards advancing the said Sum of *Five Millions* to be raised by Annuities in manner aforesaid; and such Infant, upon the Payment of such Sum or Sums subscribed by such Guardian or Trustee, shall become a Contributor within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Contributor; and such Guardian or Trustee as to the said Sum or Sums so advanced is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Money.

Dividends on Stock when to be payable.

IV. The several Contributors, their Executors, Administrators, Successors, and Assigns, in respect of the said Sum of *Five Millions*, shall be entitled, for every One hundred Pounds by them respectively advanced and paid, to an Annuity after the Rate of *Three Pounds* per

per Centum, in respect of the said Principal Sum of *One hundred and eleven Pounds Two Shillings and Twopence*, to commence from the Fifth Day of January One thousand eight hundred and fifty-six, until Redemption by Parliament in manner herein-after mentioned, which said Annuity shall be payable and paid half-yearly, by equal Portions, on the Fifth Day of July and the Fifth Day of January in every Year, the first half-yearly Payment of the said Annuity to be due on the Fifth Day of July One thousand eight hundred and fifty-six.

Time at which Stock may be transferred.

V. As soon as any Contributors, their Executors, Administrators, Successors, or Assigns, shall, after Payment of the Deposit of Ten Pounds per Centum, have made Payment of any subsequent Instalment payable by them respectively on the Days specified in this Act towards the said Sum of *Five Millions*, such Contributors may have a proportional Amount of Stock in Consolidated Three Pounds per Centum Annuities, in respect of such Instalment, forthwith placed in the Books of the Bank of England to the Credit of such respective Contributors, their Executors, Administrators, Successors, or Assigns; and on Payment of the last Instalment, such Contributors, their Executors, Administrators, Successors, or Assigns, shall have a proportional Amount of like Stock placed to their respective Credits, corresponding, at the Rate aforesaid, to the aggregate Amount of the Deposit and of such last Instalment; and the Persons to whose Credit such Consolidated Annuities, or such proportional Parts thereof, shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall and may have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate, whatsoever, in the Books of the Bank of England; and the said Governor and Company of the Bank of England are hereby required, as soon as conveniently may be after the passing of this Act, to prepare proper Books for the Purpose of entering the Names of all such Contributors, and of placing to their Credit the Principal Sums so paid by them respectively; and such Stock shall carry the Annuities after the Rate of *Three Pounds* per Centum per Annum, to be payable under this Act, until Redemption thereof in such Manner as is herein-after mentioned, and shall be transferable as this Act directs, and not otherwise.

Contributors may anticipate Payments.

VI. All such Contributors, their Executors, Administrators, Successors, or Assigns, who shall pay into the Hands of the said Cashier or Cashiers the whole of their respective Contribution Money, or any Part thereof, in anticipation of the said Instalments or any of them, shall be entitled to have forthwith inscribed into their respective Names the whole or such proportional Amount of the said *Three Pounds*

per Centum Annuities; but Discount shall not be allowed on any such Payment in anticipation of any of the said Instalments.

Annuities payable and transferable at the Bank.

VII. The *Three* per Centum Annuities aforesaid shall be payable and paid and be transferable at the Bank of England, and shall be subject to such Redemption as is herein-after mentioned.

Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges in respect of 5,000,000*l.*;

VIII. So much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the said Cashier or Cashiers of the Governor and Company of the Bank of England as shall be sufficient to satisfy and pay the said Annuities to be created in respect of the said Sum of *Five Millions*, together with the Charges attending the same.

and shall be charged upon the said Fund.

IX. The said Annuities, Interest, and Dividends which shall become payable in respect of the said Sum of *Five Millions* shall be charged and chargeable upon and are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

The Bank to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities.

X. For the more easy and sure Payment of the Annuities established by this Act, the said Governor and Company of the Bank of England and their Successors shall from Time to Time, until all the said Annuities shall be redeemed, appoint and employ One or more sufficient Person or Persons within their Office in the City of London to be their Chief or First Cashier or Cashiers, and One or other sufficient Person within the same Office to be their Accountant General; and so much of the Moneys by this Act appropriated for the Purpose as shall be sufficient from Time to Time to answer the said Annuities and other Payments herein directed to be made out of the said Moneys, in respect of the said Sum of *Five Millions*, shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of England, and their Successors for the Time being, by way of Imprest, and upon Account for the Payment of the Dividends payable by virtue of this Act; and such Cashier or Cashiers, to whom the said Money shall from Time to Time be issued, shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commis-

Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Cashier to give Receipt for Subscriptions, which may be assigned before 24th April 1856. Cashier to give Security for paying the Money he receives into the Exchequer.

XI. The Cashier or Cashiers of the Governor and Company of the Bank of England who shall have received or shall receive any Part of the said Contributions towards the said Sum of *Five Millions* shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums; and the Receipts so to be given shall be assignable at any Time before the Twenty-fourth Day of April One thousand eight hundred and fifty-six and no longer: Provided always, that such Cashier or Cashiers shall give Security to the good Liking of the Commissioners of Her Majesty's Treasury for duly answering and paying into the Receipt of the Exchequer as after mentioned, for the Public Use, all the Moneys which he or they has or have already received, and shall hereafter receive from Time to Time, of and for the whole of the said Sum of *Five Millions*, and for accounting duly for the same, and for Performance of the Trust hereby in him or them reposed, and shall from Time to Time pay all such Moneys as soon as he or they shall receive the same, or any Part thereof, or within Five Days afterwards at the farthest, into and shall account for the same in the Exchequer, according to the due Course thereof.

Treasury may apply the Money paid into the Exchequer.

XII. It shall be lawful for the Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be so paid into the Receipt of Her Majesty's Exchequer by the said Cashier or Cashiers, in respect of the said Sum of *Five Millions*, to such Services as have been or shall be voted by the Commons of the United Kingdom of Great Britain and Ireland, or to such Services as are now charged on the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or shall be charged thereon by any Act that may be passed hereafter.

A Book to be kept in the Accountant General's Office for entering Contributors Names, a Duplicate whereof to be transmitted to the Exchequer.

XIII. In the Office of the Accountant General of the Governor and Company of the Bank of England for the Time being, a Book or Books shall be provided and kept, in which the Names of the Contributors shall be fairly entered; which Book or Books the said respective Contributors, their respective Executors, Administrators, Successors, and Assigns, shall and may from Time to Time, and at all seasonable Times, resort to and inspect without any Fee or Charge; and the said Accountant General shall, on or before the Fifth Day of January One thousand eight hundred and fifty-seven, transmit an

an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer, there to remain for ever.

Subscriptions paid in Part and not completed, forfeited.

XIV. In case any such Contributors who have already deposited with or shall hereafter pay to the said Cashier or Cashiers any Sum or Sums of Money at the Time and in the Manner hereinbefore mentioned, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner before mentioned, then and in every such Case the aforesaid Deposit of Ten Pounds per Centum shall be forfeited for the Benefit of the Public, and all Right and Title to the said Ten Pounds per Centum Deposit, and to the Annuity in respect thereof, shall be extinguished; anything in this Act contained to the contrary thereof in anywise notwithstanding.

Annuities to be deemed Personal Estate.

XV. All Persons and Corporations who shall be entitled to any of the Annuities hereby granted in respect of the said Sum of *Five Millions*, and all Persons and Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of London, or otherwise; any Law, Statute, or Custom to the contrary notwithstanding.

Accountant General to keep Books for entering Transfers.

XVI. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Sums of Stock in the Consolidated *Three Pounds* per Centum Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent, by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal, or Hands and Seals, to be attested by Two or more credible Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof, and no other Method of assigning and transferring the said Stock or Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers, any Law or Statute to the contrary notwithstanding.

Transfers not liable to Stamp Duties.

Treasury to defray Incidents.

XVII. Out of the Moneys arising from the Contributions towards raising the said Sum of *Five Millions* by Annuities, the Commissioners

sioners of Her Majesty's Treasury shall have Power to discharge all such incidental Charges as shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable.

Allowance for the Expense of Management.

XVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment out of the Consolidated Fund to the Governor and Company of the Bank of England of the Sum of *Five hundred Pounds* for every Million of the said Contributions as an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the same; and also for the Service, Pains, and Labour of the said Accountant General for performing the Trust reposed in him by this Act, which Allowance, in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company, shall be for the Use of the said Governor and Company, and at their Disposal only.

Three per Cent. Annuities shall be added to the Joint Stock of the Three per Cent. Consols.

XIX. All the Annuities after the Rate of Three Pounds per Centum per Annum to which any Person or Persons shall become entitled by virtue of this Act, in respect of any Sum advanced or contributed towards the said Sum of *Five Millions*, shall be added to the Joint Stock of Annuities transferable at the Bank of England into which the several Sums carrying an Interest after the Rate of Three Pounds per Centum per Annum were by several Acts made in the Twenty-fifth, Twenty-eighth, Twenty-ninth, Thirty-second, and Thirty-third Years of the Reign of King George the Second, and by several subsequent Acts, consolidated, and shall be deemed Part of the said Joint Stock of Annuities; subject nevertheless to Redemption by Parliament in such Manner and upon such Notice as in the said Act made in the Twenty-fifth Year of the said Reign is directed in respect of the several and respective Annuities redeemable by virtue of the said Act; and all and every Person and Persons and Corporation whatsoever, in proportion to the Money to which he, she, or they shall become entitled as aforesaid by virtue of this Act, shall have and be deemed to have a proportional Interest and Share in the said Joint Stock of Annuities, at the Rates aforesaid.

Sinking Fund.

XX. For the Purpose of the Extinction of a Portion of the Funded Debt of the United Kingdom equal to the Amount to be added to the said Joint Stock as aforesaid, there shall be issued and paid, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the growing Produce thereof, to the Commissioners for the Reduction of the National Debt, in the financial Year commencing on the First Day of April which shall first happen Twelve

Months after the Ratification of a definitive Treaty of Peace with Russia, and in every subsequent Year until such Portion of the said Funded Debt is extinguished, by means of the Moneys issued to the said Commissioners under this Enactment, the Sum of *Two hundred and fifty thousand Pounds;* provided that in case, in the last Year in which such Sum would be payable, the Sum necessary for purchasing the remaining Part of the said Portion of such Funded Debt be less than *Two hundred and fifty thousand Pounds*, then so much Money only as may be necessary for that Purpose shall be issued and paid as aforesaid; and the Sums so to be issued and paid to the Commissioners for the Reduction of the National Debt shall be applied by them from Time to Time in the Purchase of such Funded Debt, in the Manner directed by the Acts for the Reduction of the National Debt, until by means of such Sums a Sum of *Five million five hundred and fifty-five thousand four hundred and sixteen Pounds Thirteen Shillings and Fourpence* of such Funded Debt has been extinguished and cancelled, and all such Funded Debt purchased by the said Commissioners under the Authority of this Act shall from Time to Time be forthwith cancelled and extinguished, and all Dividends in respect thereof shall cease to be payable; and for the Purposes of the Acts for the Reduction of the National Debt, the Sums to be issued and paid to the said Commissioners as aforesaid shall be deemed Part of the Expenditure of the United Kingdom.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony.

XXI. If any Person shall forge or counterfeit, or cause to procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Contributions towards the said Sum of *Five Millions*, either with or without the Name or Names of any Person or Persons being inserted therein, as the Contributor or Contributors thereto, or Payer or Payers thereof, or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of England, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall, at the Discretion of the Court, be liable to be transported beyond the Seas for *Life* or for any Term not less than *Fourteen Years*, or to be kept in Penal Servitude for *Life* or for any Term not less than *Four Years*, or to be imprisoned, with or without Hard Labour, for any Term not exceeding *Four Years* nor less than *Two Years*.

XXII. The

Bank to continue a Corporation till the Annuities hereby granted cease.

XXII. The said Governor and Company of the Bank of England, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same or any of them, shall continue a Corporation for the Purposes of this Act until the Consolidated *Three Pounds* per Centum Annuities by this Act granted shall be redeemed by Parliament as aforesaid; and the said Governor and Company of the Bank of England, or any Member thereof, shall not incur any Disability for or by reason of their doing any Matter or Thing in pursuance of this Act.

No Fee to be taken for receiving Contributions or paying or transferring Annuities, on Penalty of 20*l.*

XXIII. No Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving or paying the said Subscription or Contribution Moneys or any of them, or for any Receipt concerning the same, or for paying the said Annuities, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum of *Twenty Pounds* to the Party aggrieved, with full Costs of Suit, to be recovered in any of Her Majesty's Superior Courts of Law at Westminster.

Persons sued may plead the General Issue.

XXIV. If any Person or Persons shall be sued, molested, or prosecuted for anything done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have full Costs awarded to him, her, or them, against any such Plaintiff or Plaintiffs.

A

BILL

For raising Five Millions by way of Annuities.

(Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed* 26 *February* 1856.

[Bill 56.]

Under 2 oz.

Annuities (No. 2.) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Contributors entitled to 107*l.* 10*s.* 7*d.* Three per Cent. Consols for every 100*l.* contributed, &c.; Sect. 1.

Contributors who have made Deposits to pay the Remainder of Subscriptions by Instalments; 2.

Power to Guardians to contribute for Infants; 3.

Dividends on Stock when to be payable; 4.

Time at which Contributors, after Payment of Deposit, &c., may assign and transfer Stock; 5.

Contributors may make Payments in anticipation of Instalments; 6.

Annuities payable and transferable at the Bank; 7.

Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges in respect of 5,000,000*l.*; 8.

And shall be charged upon the said Fund; 9.

The Bank to appoint a Cashier and Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities; 10.

Cashier to give Receipts for Subscriptions and Warrants for Stock, which may be assigned and transferred by Delivery thereof. Cashier to give Security for paying the Money he receives into the Exchequer; 11.

Treasury may apply the Money paid into the Exchequer; 12.

A Book to be kept in the Accountant General's Office for entering Contributors Names, a Duplicate whereof to be transmitted to the Exchequer; 13.

Contributors not paying up Sums subscribed to forfeit their Deposits; 14.

Annuities to be deemed Personal Estate; 15.

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Treasury to defray Incidents attending Execution of this Act; 17.

Allowance for the Expense of Management; 18.

The Three per Cent. Annuities to be added to the Joint Stock of the Three per Cent. Consols; 19.

Sinking Fund; 20.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony; 21.

Bank to continue a Corporation till the Annuities hereby granted shall cease; 22.

Penalty on Persons taking Fees for Receipts or Payments; 23.

General Issue; 24.

Provisions of 22 Geo. 3. c. 45. not to extend to Subscribers under this Act; 25.

(No. 2.)

A

BILL

FOR

Raising a further Sum of Money by way of Annuities.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, being desirous to raise the necessary Supplies which we have cheerfully granted to Your Majesty, have resolved that the Sum of Five Millions be raised by Annuities in manner herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Every Contributor towards raising the said Sum of *Five Millions* shall for every One hundred Pounds contributed and paid be entitled to the Principal Sum of *One hundred and seven Pounds Ten Shillings and Sevenpence* in Consolidated Annuities, after the Rate of *Three Pounds* per Centum, to commence and be payable as herein-after mentioned. Contributors entitled to 107*l.* 10*s.* 7*d.* 3 per Cent. Consols for every 100*l.* contributed, &c.

II. And whereas, pursuant to and upon the Terms and Conditions expressed in the said Resolution, several Persons have, in Books opened Contributors who have made Deposits to pay

the Remainder of Subscriptions by Instalments.

opened at the Bank of England for that Purpose, subscribed together the whole of the said Sum of *Five Millions* to be raised by Annuities, and made Deposits of Ten Pounds per Centum on the respective Sums by them so subscribed to the said Sum of Five Millions with the Cashiers of the Governor and Company of the Bank of England:

It shall and may be lawful to and for such Contributors who have made such Deposits with the Cashier or Cashiers of the Governor and Company of the Bank of England (which Cashier or Cashiers is and are hereby appointed the Receiver and Receivers of such Contributions, without any other Warrant to be had in that Behalf,) to advance and pay unto the said Cashier or Cashiers of the Governor and Company of the Bank of England the several Remainders of the Sums by them respectively subscribed towards the said Sum of *Five Millions*, on or before the respective Days and in the Proportions herein-after mentioned; (that is to say,) *Twenty Pounds* per Centum on or before the Twelfth Day of June One thousand eight hundred and fifty-six; *Twenty Pounds* per Centum on or before the Twenty-eighth Day of the same Month; *Twenty Pounds* on or before the Twenty-fourth Day of July One thousand eight hundred and fifty-six; *Ten Pounds* per Centum on or before the Twenty-eighth Day of August One thousand eight hundred and fifty-six; and the remaining *Twenty Pounds* per Centum on or before the Eighteenth Day of September One thousand eight hundred and fifty-six.

Power to Guardians to contribute for Infants.

III. It shall be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant to contribute and pay for or towards advancing the said Sum of *Five Millions* to be raised by Annuities in manner aforesaid; and such Infant, upon the Payment of such Sum or Sums subscribed by such Guardian or Trustee, shall become a Contributor within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Contributor; and such Guardian or Trustee as to the said Sum or Sums so advanced is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Money.

Dividends on Stock when to be payable.

IV. The several Contributors, their Executors, Administrators, Successors, and Assigns, in respect of the said Sum of *Five Millions*, shall be entitled, for every One hundred Pounds by them respectively advanced and paid, to an Annuity after the Rate of *Three Pounds* per Centum, in respect of the said Principal Sum of *One hundred and seven Pounds Ten Shillings and Sevenpence*, to commence from the *Fifth Day of January One thousand eight hundred and fifty-six*, until Redemption by Parliament in manner herein-after mentioned, which said Annuity shall be payable and paid half-yearly, by equal Portions,

Portions, on the Fifth Day of July and the Fifth Day of January in every Year, the first half-yearly Payment of the said Annuity to be due on the Fifth Day of July One thousand eight hundred and fifty-six.

Time at which Contributors, after Payment of Deposit, &c., may assign and transfer Stock.

V. As soon as any Contributors, their Executors, Administrators, Successors, or Assigns, shall, after Payment of the Deposit of Ten Pounds per Centum, have made Payment of any subsequent Instalment payable by them respectively on the Days specified in this Act towards the said Sum of *Five Millions*, such Contributors may have a proportional Amount of Stock in Consolidated Three Pounds per Centum Annuities, in respect of such Instalment, forthwith placed in the Books of the Bank of England to the Credit of such respective Contributors, their Executors, Administrators, Successors, or Assigns; and on Payment of the last Instalment such Contributors, their Executors, Administrators, Successors, or Assigns, shall have a proportional Amount of like Stock placed to their respective Credits, corresponding, at the Rate aforesaid, to the aggregate Amount of the Deposit and of such last Instalment; and the Persons to whose Credit such Consolidated Annuities, or such proportional Parts thereof, shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall and may have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate, whatsoever, in the Books of the Bank of England; and the said Governor and Company of the Bank of England are hereby required, as soon as conveniently may be after the passing of this Act, to prepare proper Books for the Purpose of entering the Names of all such Contributors, and of placing to their Credit the Principal Sums so paid by them respectively; and such Stock shall carry the Annuities after the Rate of *Three Pounds* per Centum per Annum, to be payable under this Act, until Redemption thereof in such Manner as is herein-after mentioned, and shall be transferable as this Act directs, and not otherwise.

Contributors may make Payments in anticipation of Instalments.

VI. All such Contributors, their Executors, Administrators, Successors, or Assigns, who shall pay into the Hands of the said Cashier or Cashiers the whole of their respective Contribution Money, or any Part thereof, in anticipation of the said Instalments or any of them, shall be entitled to have forthwith inscribed into their respective Names the whole or such proportional Amount of the said Three Pounds per Centum Annuities; but Discount shall not be allowed on any such Payment in anticipation of any of the said Instalments.

Annuities payable and transferable at the Bank

VII. The *Three* per Centum Annuities aforesaid shall be payable and paid and be transferable at the Bank of England, and shall be subject to such Redemption as is herein-after mentioned.

Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges in respect of 5,000,000*l.*;

VIII. So much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the said Cashier or Cashiers of the Governor and Company of the Bank of England, as shall be sufficient to satisfy and pay the said Annuities to be created in respect of the said Sum of *Five Millions*, together with the Charges attending the same.

and shall be charged upon the said Fund.

IX. The said Annuities, Interest, and Dividends which shall become payable in respect of the said Sum of *Five Millions* shall be charged and chargeable upon and are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

The Bank to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities.

X. For the more easy and sure Payment of the Annuities established by this Act, the said Governor and Company of the Bank of England and their Successors shall from Time to Time, until all the said Annuities shall be redeemed, appoint and employ One or more sufficient Person or Persons within their Office in the City of London to be their Chief or First Cashier or Cashiers, and One or other sufficient Person within the same Office to be their Accountant General; and so much of the Moneys by this Act appropriated for the Purpose as shall be sufficient from Time to Time to answer the said Annuities and other Payments herein directed to be made out of the said Moneys, in respect of the said Sum of *Five Millions*, shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of England, and their Successors for the Time being, by way of Imprest, and upon Account for the Payment of the Dividends payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Cashier to give Receipts for Subscriptions and Warrants for

XI. The Cashier or Cashiers of the Governor and Company of the Bank of England who shall have received or shall receive any Part of the said Contributions towards the said Sum of *Five Millions* shall

shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums, and also Warrants for the Stock to be created in respect of the Second, Third, Fourth, and Fifth Instalments, on Payment of those Instalments respectively; which Receipts and Warrants shall be assignable and transferable by Delivery thereof: Provided always, that such Cashier or Cashiers shall give Security, to the good Liking of the Commissioners of Her Majesty's Treasury, for duly answering and paying into the Receipt of the Exchequer, as after mentioned for the Public Use, all the Moneys which he or they has or have already received and shall hereafter receive from Time to Time, of and for the whole of the said Sum of *Five Millions*, and for accounting duly for the same, and for the Performance of the Trust hereby in him or them reposed, and shall from Time to Time pay all such Moneys, as soon as he or they shall receive the same or any Part thereof, or within *Five* Days afterwards at the farthest, into and shall account for the same in the Exchequer, according to the due Course thereof.

Stock, which may be assigned and transferred by Delivery thereof.

Cashier to give Security for paying the Money he receives into the Exchequer.

XII. It shall be lawful for the Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be so paid into the Receipt of Her Majesty's Exchequer by the said Cashier or Cashiers in respect of the said Sum of *Five Millions*, to such Services as have been or shall be voted by the Commons of the United Kingdom of Great Britain and Ireland, or to such Services as are now charged on the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or shall be charged thereon by any Act that may be passed hereafter.

Treasury may apply the Money paid into the Exchequer.

XIII. In the Office of the Accountant General of the Governor and Company of the Bank of England for the Time being a Book or Books shall be provided and kept, in which the Names of the Contributors shall be fairly entered; which Book or Books the said respective Contributors, their respective Executors, Administrators, Successors, and Assigns, shall and may from Time to Time, and at all seasonable Times, resort to and inspect without any Fee or Charge; and the said Accountant General shall, on or before the *Fifth Day of January* One thousand eight hundred and fifty-seven, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer, there to remain for ever.

A Book to be kept in the Accountant General's Office for entering Contributors Names, a Duplicate whereof to be transmitted to the Exchequer.

XIV. In case any such Contributors who have already deposited with or shall hereafter pay to the said Cashier or Cashiers any Sum or Sums of Money at the Time and in the Manner hereinbefore mentioned, in part of the Sum or Sums so by them respectively

Contributors not paying up Sums subscribed to forfeit their Deposits.

tively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner before mentioned, then and in every such Case the aforesaid Deposit of *Ten Pounds* per Centum shall be forfeited for the Benefit of the Public, and all Right and Title to the said Ten Pounds per Centum Deposit, and to the Annuity in respect thereof, shall be extinguished, anything in this Act contained to the contrary thereof in anywise notwithstanding.

Annuities to be deemed Personal Estate.

XV. All Persons and Corporations who shall be entitled to any of the Annuities hereby granted in respect of the said Sum of *Five Millions*, and all Persons and Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of London or otherwise, any Law, Statute, or Custom to the contrary notwithstanding.

Accountant General to keep Books for entering Transfers.

XVI. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Sums of Stock in the Consolidated Three Pounds per Centum Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent, by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more credible Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof, and no other Method of assigning and transferring the said Stock or Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers, any Law or Statute to the contrary notwithstanding.

Transfers not liable to Stamp Duties.

Treasury to defray Incidents attending Execution of this Act.

XVII. Out of the Moneys arising from the Contributions towards raising the said Sum of *Five Millions* by Annuities, the Commissioners of Her Majesty's Treasury shall have Power to discharge all such incidental Charges as shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable.

Allowance for the Expense of Management.

XVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment out of the Consolidated Fund to the Governor and Company of the Bank of England of the Sum of *Five hundred Pounds* for every Million of the said Contributions as an Allowance

Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the same, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trust reposed in him by this Act, which Allowance, in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company, shall be for the Use of the said Governor and Company, and at their Disposal only.

The 3 per Cent. Annuities to be added to the Joint Stock of the 3 per Cent. Consols.

XIX. All the Annuities after the Rate of *Three Pounds* per Centum per Annum to which any Person or Persons shall become entitled by virtue of this Act, in respect of any Sum advanced or contributed towards the said Sum of *Five Millions*, shall be added to the Joint Stock of Annuities transferable at the Bank of England into which the several Sums carrying an Interest after the Rate of Three Pounds per Centum per Annum were by several Acts made in the Twenty-fifth, Twenty-eighth, Twenty-ninth, Thirty-second, and Thirty-third Years of the Reign of King George the Second, and by several subsequent Acts, consolidated, and shall be deemed Part of the said Joint Stock of Annuities; subject nevertheless to Redemption by Parliament in such Manner and upon such Notice as in the said Act made in the Twenty-fifth Year of the said Reign is directed in respect of the several and respective Annuities redeemable by virtue of the said Act; and all and every Person and Persons and Corporation whatsoever, in proportion to the Money to which he, she, or they shall become entitled as aforesaid by virtue of this Act, shall have and be deemed to have a proportional Interest and Share in the said Joint Stock of Annuities, at the Rates aforesaid.

Sinking Fund.

XX. For the Purpose of the Extinction of a Portion of the Funded Debt of the United Kingdom equal to the Amount to be added to the said Joint Stock as aforesaid, there shall be issued and paid, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the growing Produce thereof, to the Commissioners for the Reduction of the National Debt, in the financial Year commencing on the First Day of April One thousand eight hundred and fifty-seven, and in every subsequent Year until such Portion of the said Funded Debt is extinguished by means of the Moneys issued to the said Commissioners under this Enactment, the Sum of *Two hundred and fifty thousand Pounds*; provided that in case, in the last Year in which such Sum would be payable, the Sum necessary for purchasing the remaining Part of the said Portion of such Funded Debt be less than Two hundred and fifty thousand Pounds, then so much Money only as may be necessary for that Purpose shall be issued and paid as aforesaid; and the Sums so to be issued and paid

to the Commissioners for the Reduction of the National Debt shall be applied by them from Time to Time in the Purchase of such Funded Debt, in the Manner directed by the Acts for the Reduction of the National Debt, until by means of such Sums a Sum of *Five million five hundred and fifty-five thousand four hundred and sixteen Pounds Thirteen Shillings and Fourpence* of such Funded Debt has been extinguished and cancelled, and all such Funded Debt purchased by the said Commissioners under the Authority of this Act shall from Time to Time be forthwith cancelled and extinguished, and all Dividends in respect thereof shall cease to be payable; and for the Purposes of the Acts for the Reduction of the National Debt the Sums to be issued and paid to the said Commissioners as aforesaid shall be deemed Part of the Expenditure of the United Kingdom.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony.

XXI. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Contributions towards the said Sum of Five Millions, either with or without the Name or Names of any Person or Persons being inserted therein, as the Contributor or Contributors thereto or Payer or Payers thereof or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or shall forge or counterfeit or cause or procure to be forged or connterfeited, or shall willingly act or assist in forging or counterfeiting, any Warrant for Stock to be created in respect of any such Instalment as aforesaid, either with or without the Name of any Person being inserted therein as entitled to such Stock, or shall alter any Number, Figure, or Word therein, or shall utter or publish as true any such false, forged, counterfeited, or altered Receipt or Warrant, with Intent to defraud the Governor and Company of the Bank of England, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall, at the Discretion of the Court, be liable to be transported beyond the Seas for Life or for any Term not less than *Fourteen* Years, or to be kept in Penal Servitude for Life or for any Term not less than *Four* Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding *Four* Years nor less than *Two* Years.

Bank to continue a Corporation till the Annui-

XXII. The said Governor and Company of the Bank of England, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same

same or any of them, shall continue a Corporation for the Purposes of this Act until the Consolidated Three Pounds per Centum Annuities by this Act granted shall be redeemed by Parliament as aforesaid; and the said Governor and Company of the Bank of England, or any Member thereof, shall not incur any Disability for or by reason of their doing any Matter or Thing in pursuance of this Act. ties hereby granted shall cease.

XXIII. No Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving or paying the said Subscription or Contribution Moneys or any of them, or for any Receipt concerning the same, or for paying the said Annuities, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity snall for every such Offence forfeit the Sum of *Twenty Pounds* to the Party aggrieved, with full Costs of Suit, to be recovered in any of Her Majesty's Superior Courts of Law at Westminster. Penalty on Persons taking Fees for Receipts or Payments.

XXIV. If any Person or Persons shall be sued, molested, or prosecuted for anything done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence, in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have full Costs awarded to him, her, or them, against any such Plaintiff or Plaintiffs. General Issue.

XXV. Provided, That none of the Provisions of an Act of the Twenty-second Year of His late Majesty King George the Third, Chapter Forty-five, shall be construed to extend to any Subscriber or Contributor under this Act. Provisions of 22 G. 3. c. 45. not to extend to Subscribers under this Act.

Annuities (No. 2.)

A

BILL

For raising a further Sum of Money by way of Annuities.

(*Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed,* 22 *May* 1856.

[Bill 139.]

Under 1 *oz.*

10 *June* 1856. 19 Vict.

A

BILL

TO

Authorize Issues out of the Consolidated Fund for the Redemption of certain Annuities charged on Branches of the gross Revenue.

Preamble.

WHEREAS the Annuities or Parts of Annuities mentioned in the Schedule to this Act are now charged on Branches of the gross Revenue mentioned in such Schedule, and it is expedient to authorize such Issues for the Redemption thereof as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Treasury may redeem out of the Consolidated Fund the Annuities in the Schedule.

I. In case the Commissioners of Her Majesty's Treasury shall agree with the Persons or Person entitled thereto for the absolute Purchase of the said Annuities or Parts of Annuities, or any of them, or any Part thereof respectively, for such Sum or respective Sums as may appear to the said Commissioners to be a just Equivalent for the same, it shall be lawful for the said Commissioners, upon the Execution in each Case of such a Release of the Annuity or Part of Annuity so purchased as the said Commissioners shall approve, to cause the Purchase Money for the same to be paid, as such Commis-

sioners shall direct, out of the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and no Issue for the Payment of such Purchase Money shall be made out of the gross Revenue charged with such Annuity or Part of Annuity.

If Hereditary Revenues cease to form Part of Consolidated Fund, an annual Equivalent to Annuities redeemed to be charged on such Revenues.

II. In case, upon the Decease of Her Majesty (whom God long preserve), or at any Time afterwards, any Hereditary Revenues chargeable with any Annuity or Part of Annuity which shall be redeemed under this Act, or heretofore chargeable with any Annuity or Part of Annuity which has been redeemed during Her Majesty's Reign, cease to be carried to or form Part of the said Consolidated Fund, an annual Sum equal to the net annual Amount of the Annuity or Part of Annuity so redeemed shall from the Time of such Cesser be a Charge on the Hereditary Revenues on which the same was charged at the Time of the Redemption of such Annuity or Part of Annuity, and be paid to and form Part of the said Consolidated Fund so long as such Hereditary Revenues cease to be carried to and form Part of such Fund.

SCHE-

SCHEDULE.

	£	*s.*	*d.*
The Moiety of an Annuity granted by King Charles the Second to the Earl of Bath and his Heirs, and charged upon the Excise Revenue, the net annual Amount payable in respect of which Moiety is -	1,200	0	0
The Moiety of an Annuity granted by King William the Third and Queen Mary to Henry de Nassau D'Auverquerque, his Heirs and Assigns, and charged upon the Land Revenue in South Wales, the net annual Amount payable in respect of which Moiety is - - - - - - -	375	16	0
An Annuity now payable to the Duke of Grafton, charged upon the Post Office Revenue by Letters Patent of the Twentieth Year of King Charles the Second, confirmed by Act of Parliament, the net annual Amount payable in respect of which Annuity is - - - - - - -	3,384	0	0
The Three Fourth Parts of an Annuity granted by King George the First to Maynhard Duke of Schoenberg and his Heirs, and charged upon the Post Office Revenue, the net annual Amount payable in respect of which Three Fourth Parts is - - - -	2,160	0	0

Annuities Redemption.

A

BILL

To authorize Issues out of the Consolidated Fund for the Redemption of certain Annuities charged on Branches of the gross Revenue.

(*Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed*, 10 *June* 1856.

[Bill 171.]

Under 1 *oz.*

Appellate Jurisdiction (House of Lords) Bill.

ARRANGEMENT OF CLAUSES.

Two Deputy Speakers of the House of Lords for Judicial Business to be appointed. Tenure of Office; Sect. 1.

Qualification for Appointment of Deputy Speakers (Peers having held high Judicial Offices for Five Years); 2.

Salaries of Deputy Speakers [*Proposed to be inserted in Committee*].

Duties of Deputy Speakers; 3.

Retiring Pensions may be granted to Deputy Speakers [*Proposed to be inserted in Committee*].

Peer for Life may, if appointed Lord Chancellor or Deputy Speaker, sit and vote in the House of Lords; 4.

House of Lords may sit for disposing of Appeals during a Prorogation; 5.

The Right of the Crown to appoint other Deputy Speakers; 6.

A

B I L L

INTITULED

An Act to make better Provision for the Discharge of the Appellate Jurisdiction of the House of Lords.

[*Note.*—The Clauses printed in Red Ink are proposed to be inserted in Committee.]

Preamble.

WHEREAS it is expedient to secure the regular Attendance in the House of Lords during the Hearing of Appeals and Writs of Error of an increased Number of Peers who have filled high Judicial Offices: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Two Deputy Speakers of the House of Lords for Judicial Business to be appointed.

Tenure of Office.

I. It shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to appoint Two Persons, qualified as herein-after mentioned, to be Deputy Speakers of the House of Lords to assist in the Judicial Business of the said House, and from Time to Time as Vacancies shall occur by Death, Resignation, or Removal, in like Manner to appoint One or Two other Person or Persons qualified as aforesaid to be a Deputy Speaker or Deputy Speakers of the said House for the Purpose aforesaid, so that the House may at all Times have the Assistance of Two such Deputy Speakers in the Judicial Business of the House; and every such Deputy Speaker shall hold his Office during good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Deputy Speaker from his Office upon the Address of both Houses of Parliament.

Qualification for Appointment of Deputy Speakers (Peers having held high Judicial Offices for Five Years).

II. No Person, not having succeeded to an Hereditary Peerage, shall be qualified to be appointed Deputy Speaker under this Act, unless Her Majesty shall have previously granted to him a Peerage for the Term of his Life, or for some greater Estate, nor unless he shall have held the Office of Lord Chancellor of Great Britain or Lord Chancellor of Ireland, or shall have held for a Period of Five Years or upwards, or for Periods amounting together to Five Years or upwards, any One or more of the Judicial Offices following, viz., Master of the Rolls in England; Master of the Rolls in Ireland; Lord Justice of the Court of Appeal in Chancery; Vice Chancellor (in England); Judge in any of the Superior Courts of Law at Westminster or in Dublin; Judge of the Court of Session in Scotland; Judge of the High Court of Admiralty of England; Judge of the Prerogative Court of the Archbishop of Canterbury; Judge of the Prerogative Court in Ireland.

Salaries of Deputy Speakers.

There shall be payable to each such Deputy Speaker the yearly Salary of Five thousand Pounds, or such a yearly Sum as, with any Pension, Retiring Allowance, or Compensation to which he may be entitled in respect of any Office formerly held by him, will make up a yearly Sum of Five thousand Pounds; and such Salary or yearly Sum shall be payable out of the Consolidated Fund of the United Kingdom by quarterly Payments, free of all Deductions, except Income Tax, on the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October in every Year, such Salary or yearly Sum nevertheless to grow due from Day to Day, and to be subject to Apportionment at the Commencement and Termination thereof accordingly.

Duties of Deputy Speakers.

III. It shall be the Duty of the said Deputy Speakers, unless prevented by Illness or other sufficient Cause, to attend the House of Lords during the Hearing and Decision of Appeals and Writs of Error.

Retiring Pensions may be granted to Deputy Speakers.

It shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to grant to any Person holding the Office of a Deputy Speaker of the House of Lords under this Act an Annuity for his Life, not exceeding Three thousand seven hundred and fifty Pounds, to commence immediately after his Resignation of such Office, such Annuity to be payable out of the Consolidated Fund of the United Kingdom, free from all Deductions whatsoever, except Income Tax, by quarterly Payments on the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October in every Year, such Annuity nevertheless to grow due from Day to Day, and to be subject to Apportionment at its Commencement and Termination accordingly: Provided always, that

that in case any Person to whom any such Annuity is granted hold at any Time any other Pension or Office of Profit under Her Majesty, then while such Person holds such Pension or Office such Annuity shall, if the annual Amount of the Profits of such Pension or Office be equal to such Annuity, cease to be paid; and if the annual Amount of such Profits be less than such Annuity, then no more of such Annuity shall be paid than will, with the annual Amount of such Profits, make up the annual Sum of Three thousand seven hundred and fifty Pounds: Provided also, that no such Grant of an Annuity shall be valid unless such Person have held the Office of Deputy Speaker and any of the Judicial Offices herein-before mentioned for Periods amounting together to Fifteen Years, or be affected with some permanent Infirmity disabling him from the due Execution of his Office of Deputy Speaker, which shall be distinctly recited in the said Grant

Peer for Life, if appointed Lord Chancellor or Deputy Speaker, may sit and vote in the House of Lords, &c.

IV. If Her Majesty by Her Letters Patent shall have granted or shall hereafter grant a Peerage for Life only to any Person who shall be appointed Lord High Chancellor of Great Britain or Deputy Speaker under this Act, such Person, on receiving the Appointment of Lord High Chancellor of Great Britain or of Deputy Speaker under this Act, shall be entitled to receive a Writ of Summons as a Peer of Parliament, and on receiving the same to sit and vote in the House of Lords, and to have and enjoy all the Rights and Privileges of a Peer of Parliament during his Life, if there are not more than Three other Persons having Seats in the House of Lords as Peers for Life only at the Time he shall be so created: Provided always, that not more than Four Persons shall have Seats in the House of Lords at One Time as Peers for Life only: Provided also, that if any Person to whom a Peerage for Life only shall have been granted shall inherit or receive a Patent for an Hereditary Peerage, he shall not be reckoned as One of the Peers having a Seat in the House of Lords for his Life only.

House of Lords may sit for disposing of Appeals during a Prorogation.

V. For preventing Delay in the Administration of Justice it shall be lawful for the House of Lords to sit and act during the Prorogation of Parliament; and all Orders and Proceedings of the said House in relation to Appeals and Writs of Error, and the Matters connected therewith, during such Prorogation, shall be as valid and effectual as if Parliament had been then sitting; provided that the Times of such Sittings during the Prorogation or the Time of the First Meeting of the House for that Purpose be appointed by Order of the House during the Session of Parliament; and that no Business other than the Hearing and Determination of Appeals and Writs of Error, and the Matters connected therewith, shall be transacted by such House during such Prorogation.

 VI. Nothing

The Right of the Crown to appoint other Deputy Speakers.

VI. Nothing in this Act shall in anywise abridge or affect the Right of Her Majesty to appoint Deputy Speakers of the House of Lords, but such Deputy Speakers may be appointed from Time to Time in the same Manner and with the same Rights and Authorities as if this Act had not been passed, and shall, unless Her Majesty shall otherwise direct, have Precedence of the Deputy Speakers appointed under this Act.

Appellate Jurisdiction (House of Lords).

A

B I L L

INTITULED

An Act to make better Provision for the Discharge of the Appellate Jurisdiction of the House of Lords.

(*Brought from the Lords* 9 *June* 1856.)

Ordered, by The House of Commons, *to be Printed*, 9 *June* 1856.

[Bill 169.]

Under 1 *oz.*

3 *April* 1856. 19 Vict.

A

BILL

TO

Continue certain Compositions payable to Bankers who have ceased to issue Bank Notes.

WHEREAS under Sections Twenty-three and Twenty-four of the Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Thirty-two, certain Compositions are made payable by the Governor and Company of the Bank of England to Bankers who have discontinued the Issue of their own Bank Notes; and by Section Twenty-five of the said Act it is provided that all such Compositions shall, if not previously determined by the Act of such Banker as therein-before provided, cease and determine on the First Day of August One thousand eight hundred and fifty-six, or on any earlier Day on which Parliament may prohibit the Issue of Bank Notes: And whereas it is expedient to extend the Term so limited for the Continuance of such Compositions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 7 & 8 Vict. c. 32. ss. 23, 24, 25.

I. Section Twenty-five of the said Act shall be repealed.

Section 25 of the said Act repealed.

II. All

Compositions to cease on 1st August 1857.

II. All the Compositions payable under the said Act as amended by this Act to Bankers who have discontinued, or who shall agree with the said Governor and Company to discontinue, the Issue of their own Bank Notes, shall, if not previously determined by the Act of such Bankers as by the said Act provided, cease and determine on the *First Day of August One thousand eight hundred and fifty-seven*, or on any earlier Day on which Parliament may prohibit the Issue of Bank Notes as defined by Section Twenty-eight of the said recited Act, or on which the exclusive Privileges of the said Governor and Company mentioned in Section Twenty-seven of the said Act shall be determined in pursuance of such Section, or otherwise be determined or altered by Authority of Parliament.

Bankers' Compositions.

A

BILL

To continue certain Compositions payable to Bankers who have ceased to issue Bank Notes.

(*Prepared and brought in by The Chancellor of the Exchequer and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed*, 3 *April* 1856.

[Bill 86.]

Under 1 *oz.*

Bankruptcy (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Short Title and Date of Act; Sect. 1.
The Acts 54 G. 3. c. 137. 2 & 3 Vict. c. 41. 16 & 17 Vict. c. 53. repealed; 2.
Effect on existing Sequestrations; 3.
Construction and Meaning of Words; 4.
Reckoning of Time; 5.
Dates of Deeds; 6.
Notour Bankruptcy of Individuals; 7.
Of a Company; 8.
Commencement of Notour Bankruptcy; 9.
Challenge may be in Court of Session or Sheriff Courts; 10.
May be by Trustee; 11.
Arrestments and Poindings; 12.
Sequestration may be awarded in Cases enumerated. Sequestration of deceased Debtor; 13.
Qualification of Creditors, petitioning or concurring; 14.
Within what Date Petitions may be presented; 15.
Court may take Measures to preserve Estate before Sequestration; 16.
After Sequestration Bankrupt's Papers may be sealed up; 17.
Courts for awarding Sequestration; 18.
Later Sequestrations to be remitted to the first in Date; 19.
No Proceedings under Order of Sheriff to be effectual after Appeal, except for Preservation of Estate; 20.
Form of Petition. Oath to be produced; 21.
Oath to be to Verity of Debt and Extent of Securities; 22.
How taken, when Creditor out of Great Britain or Ireland; 23.
Oath to specify further Particulars in certain Cases; 24.
Claims of Companies and Creditors who are Minors or incapable; 25.
When Citation of Parties necessary; 26.
In Sequestration of a Company; 27.
Induciæ of Citation; 28.
Sequestration to be forthwith awarded on Petition by Debtor; 29.
Sequestration to be awarded after Citation and hearing Parties when Petition not by Debtor; 30.

Recal of Sequestration within Forty Days; 31.
Recal of Sequestration at future Time; 32.
Proceedings not to be stayed; 33.
Sisting of one Party for another; 34.
Clause D. Payment of Expenses of petitioning or concurring Creditor; 35.
Commencement of Sequestration; 36.
Clerks to Sequestration. Sequestration not to fall asleep; 37.
Warrant of Protection may be granted to Debtor; 38.
Warrant to liberate the Debtor; 39.
Sheriff's Judgment subject to Appeal; 40.
Effect of Warrant of Protection or Liberation; 41.
Recording Abbreviate of Sequestration; 42.
Creditor claiming must produce Oath; 43.
Oath in Cases where Accounts and Vouchers are not in Creditor's Possession; 44.
Provision for Correction of Oath; 45.
Creditors may vote and rank for Principal and Interest to Date of Sequestration only; 46.
Valuation of Claim depending on a Contingency; 47.
Valuation of Claim on Annuity; 48.
Liability of Creditors for Expenses; 49.
Oaths not to supersede other Evidence; 50.
Valuation of Securities for voting; 51.
Valuation of Obligations of Co-Obligants with Bankrupt; 52.
Valuation of Claims against a Company and Partners; 53.
Trustee may require a Conveyance of Security by Creditor on 20 per Cent. Addition to his own Valuation. Creditor may correct Valuation by new Oath; 54.
Mandatories for Creditors may vote; 55.
Persons acquiring Debts after Sequestration not to vote; 56.
Valuation of Securities with a view to a Dividend; 57.
Value of Claim against a Company to be deducted from Claim against Partners; 58.
Appointment of Meeting to elect a Trustee; 59.
Procedure at Meeting for Election of Trustee; 60.
Judgment of Sheriff as to Trustee; 61.
When Sheriff not present; 62.
Judgment of Sheriff as to Trustee final; 63.
Caution to be found by Trustee; 66.
Act and Warrant in favour of Trustee. To be a complete Title to him; 65.

Removal or Resignation of Trustee. Election of a new Trustee; 66.
Election of Commissioners; 67.
Removal of Commissioners; 68.
Protection to Bankrupt; 69.
Allowance to Bankrupt; 70.
Record of Abbreviate of his Confirmation; 71.
Trustee to take possession of Estate and Books, and make up Inventory; 72.
Bankrupt to make up State of his Affairs; and to give Information and grant Deeds; 73.
Trustee to recover Funds; 74.
Penalty on Trustee retaining Funds; 75.
Trustee to keep a Sederunt Book, and send Copy of Accounts to Accountant; 76.
Duties of Commissioners; 77.
Judicial Factor, Trustee, and Commissioners amenable to Lord Ordinary and Sheriff; 78.
Sheriff to name a Day for Bankrupt's Examination; 79.
Sheriff may grant Warrant to bring Bankrupt for Examination; 80.
Apprehension and Transmission of the Bankrupt when out of Scotland; 81.
Examination of Bankrupt's Wife and others; 82.
Bankrupt and others must answer lawful Questions, and produce Documents; 83.
Mode of Examination; 84.
Penalty on refusal to answer, &c.; 85.
Penalty on latent Partner of Bankrupt Company not coming forward; 86.
Bankrupt may correct his State, and then must take Oath inserted in this Act. Oath; 87.
Report by Trustee after Bankrupt's Examination. Powers of Creditors over Estate; 88.
Proceedings if Bankrupts do not make a fair Surrender; 89.
When Meetings to be called; 90.
Notice of Meetings; 91.
No Notice to be sent in certain Cases; 92.
Rules as to computing Majorities; 93.
Vesting of Estate in Trustee. Vesting of Moveable Estate. Vesting of Heritable Estate in Scotland. Vesting of Real Estates in England, Ireland, and other British Dominions; 94.
Acquisitions of Bankrupt after the Sequestration to belong to the Creditors; 95.
Subjects improperly included in Sequestration may be struck out; 96.

Trustee

Trustee may complete Feudal Titles or grant such Right as Bankrupt could do; 97.

Trustee may get Property transferred to him, although the Heir of the Bankrupt has made up Titles. Decree to be recorded in the Register of Adjudications; 98.

Sequestration equivalent to an Adjudication in Competition; 99.

And to Arrestment and Poinding. Diligence on or after Sixtieth Day before Sequestration, or after it, ineffectual. Expenses of Diligence; 100.

Interruption of Prescription; 101.

Preferences in case of a deceased Debtor; 102.

Acts and Payments by Bankrupt after Sequestration null, except in certain Cases; 103.

Sale of Heritable Estate by Creditor; 104.

Creditor infeft on Adjudication may sell; 105.

Sale by Trustee with Concurrence of Heritable Creditors. Discharge of Burdens on Sale; 106.

Sale by Trustee alone; 107.

Trustee may with Approval of Accountant sell by private Bargain; 108.

Trustee to make up a Scheme of Ranking and Division of Price; 109.

Court may grant Interim Warrant for Payment out of Price; 110.

Heritable Creditor's Right to poind the Ground limited; 111.

Landlord's Hypothec saved; 112.

Creditors may purchase; 113.

Realized Estate to be a Fund of Division; 114.

Workmen's Wages to be privileged; 115.

Creditor to produce Oath, &c. Two Months before Payment of First Dividend, and One Month before subsequent Dividends; 116.

Creditors resident abroad may lodge Oath at later Periods; 117.

Trustee to make up and exhibit to Commissioners State of Funds. Commissioners to resolve as to Payment of Dividend, &c.; 118.

Trustee to examine and reject or admit Claims, and make up list of Creditors entitled to Payment of Dividends; 119;

And to publish and send Notices of Payment of Dividend. Creditor may appeal within a limited Period; 120.

Trustee to make up a Scheme of Division; 121.

Dividends to be paid, and those disputed or claimed by contingent Creditors to be lodged in the Bank; 122.

Second Dividend. Trustees to make up State, &c., and Commissioners to resolve as in case of First Dividend; 123.

Dividend to be paid; 124.

Subsequent Dividends. Same Proceedings as in prior Dividends 125.

Dividends may be accelerated in certain Cases; 126.

Proceedings when Commissioners postpone the Dividend; 127.

Where Estate is chiefly Land Periods of Payment may be altered; 128.

Winding up of Estate; 129.

Offer of Composition may be made at the Meeting for Election of Trustee; 130.

Offer, if entertained, to be disposed of at the Meeting after the Bankrupt's Examination. Lord Ordinary or Sheriff to approve; 131.

Offer of Composition may also be made at Meeting after Bankrupt's Examination; 132.

Bankrupt on making Declaration or Oath to obtain his Discharge; 133.

Trustee's Accounts to be audited before the Composition be approved of; 134.

Sequestration to go on, notwithstanding Offer of Composition; 135.

Bankrupt and Cautioner not to be entitled to object to certain Debts; 136.

Claims against Cautioner limited in certain Cases to Two Years; 137.

If Offer of Composition rejected, no other to be entertained, unless Nine Tenths of Creditors ranked shall agree; 138.

Proceedings for this Purpose. May be discharged with Consent of Creditors. After Two Years may be discharged without Consent; 139.

Bankrupt to make a Declaration or Oath before obtaining Discharge; 140.

Preferences, Payments, and collusive Agreements for Discharge to be void; 141.

Bankrupt to forfeit Privileges, if participant in giving such Preferences, &c.; 142.

Proceedings for this Purpose; 143.

Trustees to lodge unclaimed Dividends, &c. in Bank. Claimants showing Right to apply to Lord Ordinary for Authority to receive Dividends. Interest Account of unclaimed Dividends; 144.

Law Accounts to be taxed; 145.

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(Scotland.)

A

B I L L

TO

Consolidate and amend the Laws relating to Bankruptcy in Scotland.

WHEREAS it is expedient to consolidate and amend the Laws relating to Insolvency and Bankruptcy, and for regulating the Sequestration of Estates of Bankrupts, in Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may be cited as the "Bankruptcy (Scotland) Act, 1856," and shall come into operation on and after the *First Day of November One thousand eight hundred and fifty-six*. Short Title and Date of Act.

II. The Acts passed in the Sessions of Parliament holden in the Fifty-fourth Year of the Reign of His Majesty King George the Third, Chapter One hundred and thirty-seven, and in the Second and Third Year of the Reign of Her present Majesty, Chapter Forty-one, and in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Fifty-three, are hereby repealed; saving always their Effect in regard to any Act or Deed done or granted prior to the Date of this Act coming into operation. Acts repealed. 54 G. 3. c. 137. 2 & 3 Vict. c. 41. 16 & 17 Vict. c. 53.

Effect on existing Sequestrations.

III. All Sequestrations awarded on and after the said Date, or Proceedings occurring on or after the said Date, in Sequestrations which have been awarded before it under former Acts, and all Matters connected with Insolvency or Bankruptcy provided for by this Act which occur on or after the said Date, although the Insolvency or Bankruptcy with which they are connected has occurred before it, shall be regulated by this Act: Provided always, that it shall be competent for the Lord Ordinary, or the Sheriff, in Sequestrations awarded before the said Date, to order, upon Cause shown, the next or any subsequent Proceedings therein to be conducted as if the Acts hereby repealed were still in force, and such Proceedings shall thereon be as valid as if the said Acts were unrepealed.

Construction and Meaning of Words.

IV. In this Act the Words "Lord Ordinary" shall mean the Lord Ordinary officiating on the Bills in the Court of Session; the Word "Deliverance" shall include any Order, Warrant, Judgment, Decision, Interlocutor, or Decree; the Words "Clerk or Officer of the Court of Session," shall include the Keeper of the Register of Abbreviates of Adjudications; the Word "Accountant" shall mean the Accountant in Bankruptcy appointed under this Act; the Word "Gazette" shall signify the Edinburgh Gazette; the Word "Commissioners" shall mean a Majority of the Commissioners elected under the Provisions of this Act; the Words "Property" and "Estate" shall, when not expressly restricted, include every kind of Property, Heritable or Moveable, wherever situated, and all Rights, Powers, and Interests therein capable of legal Alienation, or of being affected by Diligence or attached for Debt; the Word "Moveable" shall include Personal, and the Word "Heritable" shall include Real; the Word "Security" shall include Securities, Heritable or Moveable, and Rights of Lien, Retention, or Preference, and Conveyances thereof and any Part thereof; the Word "Sheriff" shall include Sheriff Substitute unless the Context indicate the contrary; the Word "Successors" shall include all Persons who have succeeded to any Property which was vested in a Party deceased at the Time of his Death, whether as Heirs, Heirs Apparent, Trustees under voluntary Conveyances, Representatives by Deed or otherwise, Executors, Administrators, or nearest of Kin, or as Assignees, or Legatees, and shall also include Singular Successors where they have acquired the Right; the Word "Vote" shall, as well as the ordinary Meaning thereof, include a Consent to any Offer of Composition, and to a Discharge of the Debtor, and also a Dissent from such Offer or Discharge; the Word "Company" shall include Bodies Corporate, Politic, or Collegiate, and Partnerships; the Words "Partner of a Company" shall include the Members of such Bodies; the

the Words "Debtor," "Bankrupt," and "Creditor," shall apply to Companies as well as Individuals, and shall include Aliens, unless in this, and also in the other Cases herein-above specified, a different Construction shall be provided.

Reckoning of Time.

V. Periods of Time in this Act shall be reckoned exclusive of the Day from which such Period is directed to run.

Dates of Deeds.

VI. The Date of a Deed under this Act, or under the Act passed in the Parliament of Scotland held in the Year One thousand six hundred and ninety-six, Chapter Five, shall be the Date of recording of the Sasine, where Sasine is requisite, and, in other Cases, of Registration of the Deed, or of Delivery, or of Intimation, or of such other Proceeding as shall in the particular Case be requisite for rendering such Deed completely effectual.

Constitution and Effects of Notour Bankruptcy.

Notour Bankruptcy of Individuals.

VII. Notour Bankruptcy shall be constituted by the following Circumstances:

1st. By Sequestration, or by the issuing of an Adjudication of Bankruptcy in England or Ireland; or

2d. By Insolvency, concurring either—

(A.) With a duly executed Charge for Payment, followed, where Imprisonment is competent, by Imprisonment or formal and regular Apprehension of the Debtor, or by his Flight or absconding from Diligence, or Retreat to the Sanctuary, or forcible defending of his Person against Diligence, or, where Imprisonment is incompetent or impossible, by Execution of Arrestment of any of the Debtor's Effects not loosed or discharged for *Fifteen* Days, or by Execution of Poinding of any of his Moveables, or by Decree of Adjudication of any Part of his Heritable Estate for Payment or in Security; or

(B.) With Sale of any Effects belonging to the Debtor under a Poinding, or under a Sequestration for Rent, or with his retiring to the Sanctuary for *Twenty-four* Hours, or with his making Application for the Benefit of Cessio bonorum.

Of a Company.

VIII. Notour Bankruptcy of a Company shall be constituted either in any of the foregoing Ways or by any of the Partners being rendered Notour Bankrupt for a Company Debt.

Commencement of Notour Bankruptcy.

IX. Notour Bankruptcy shall be held to commence from the Time when its several Requisites concur, and when it has once been constituted shall continue, in case of a Sequestration, till the Debtor shall obtain his Discharge, and in other Cases until Insolvency cease, without Prejudice to Notour Bankruptcy being anew constituted within such Period.

Challenge may be in Court of Session or Sheriff Courts.

X. Deeds made void by this Act, and all Alienations of Property by a Party insolvent or Notour Bankrupt, which are voidable by Statute or at Common Law, may be set aside either by way of Action or Exception, and that either in the Ordinary Court of the Sheriff or in the Court of Session; and a Decree setting aside the Deed by Exception shall have the like Effect, as to the Party objecting to the Deed, as if such Decree were given in an Action at his Instance.

May be by Trustee.

XI. The Trustee on a sequestrated Estate under this Act shall be entitled to set aside any such Deed or Alienation for behoof of the whole Body of Creditors, and in so doing shall be entitled to the Benefit of any Presumption which would have been competent to any One Creditor.

Pari passu Ranking of Diligence.

Arrestments and Poindings.

XII. Arrestments and Poindings which shall have been used within *Sixty* Days prior to the Constitution of Notour Bankruptcy, or within *Four* Months thereafter, shall be ranked pari passu as if they had all been used of the same Date; provided, that if such Arrestments are used on the Dependence of an Action, or on an illiquid Debt, they be followed up without undue Delay; provided further, that any Creditor judicially producing in a Process relative to the Subject of such Arrestment or Poinding liquid Grounds of Debt or Decree of Payment within such Period shall be entitled to rank as if he had executed an Arrestment or a Poinding; and in case the first or any subsequent Arrester shall, in the meantime, obtain a Decree of Forthcoming and Preference, and thereupon shall recover Payment, or a Poinding Creditor shall carry through a Sale, he shall be accountable for the Sum recovered to those who, by virtue of this Act, may be eventually found to have a Right to a Ranking pari passu thereon, and shall be liable to an Action at their Instance for Payment to them proportionally, after allowing out of the Fund the Expense of recovering the same; and if any Arrestments be used for attaching the same Effects after the Period of *Four* Months subsequent to the Bankruptcy, such Arrestments shall not compete with

with those used within the said Periods prior or subsequent thereto, but may rank with each other on any Reversion of the Fund attached, according to Law and Practice.

Sequestration, when competent.

XIII. Sequestration may be awarded of the Estate of any Person in the following Cases; Sequestration may be awarded in Cases enumerated.

1st. In the Case of a living Debtor subject to the Jurisdiction of the Supreme Courts of Scotland:

A. On his own Petition, with the Concurrence of a Creditor or Creditors, qualified as herein-after mentioned:

B. On the Petition of a Creditor or Creditors, qualified as herein-after mentioned, provided he be Notour Bankrupt, and have within a Year before the Date of the presentation of the Petition resided or had a Dwelling House or Place of Business in Scotland; or otherwise, in the Case of a Company being Notour Bankrupt, as herein-before provided, if it have within such Time carried on Business in Scotland, and any Partner have so resided or had a Dwelling House or if the Company have had a Place of Business in Scotland:

2d. In the Case of a deceased Debtor who at the Date of his Death was subject to the Jurisdiction of the Supreme Courts of Scotland: Sequestration of deceased Debtor.

A. On the Petition of a Mandatory to whom he had granted a Mandate to apply for Sequestration:

B. On the Petition of a Creditor or Creditors qualified as herein-after mentioned.

XIV. Petitions for Sequestration may be at the Instance or with the Concurrence of any One Creditor whose Debt amounts to not less than *Fifty Pounds*, or of any *Two* Creditors whose Debts together amount to not less than *Seventy Pounds*, or any *Three* or more Creditors whose Debts together amount to not less than *One hundred Pounds*, whether such Debts are liquid or illiquid, provided they are not contingent. Qualification of Creditors, petitioning or concurring.

XV. Petitions for Sequestration, presented without the Concurrence of the Debtor, he being in Life, shall be competent only within *Four* Months of the Date of the Debtor's Notour Bankruptcy; and Petitions for Sequestration of the Estates of a deceased Debtor at the Instance of a Creditor may be presented at any Time after the Debtor's Death, Within what Date Petitions may be presented.

but no Sequestration shall be awarded until the Expiration of *Six* Months from the Debtor's Death, unless he was at the Time of his Death Notour Bankrupt, or unless his Successors shall concur in the Petition or renounce the Succession, in which several Cases Sequestration shall forthwith be awarded; and in all other Cases falling under this Act a Petition for Sequestration shall be competent at any Time, and Sequestration may follow thereon in manner herein-after directed.

Interim Preservation of Estate.

Court may take Measures to preserve Estate before Sequestration.

XVI. It shall be competent for the Court to which a Petition for Sequestration is presented, whether Sequestration can forthwith be awarded or not, on special Application by a Creditor, either in such Petition or by a separate Petition, with or without Citation to other Parties interested, as the said Court may deem necessary, or without such special Application if the Court think proper, to take immediate Measures for the Preservation of the Estate, either by the Appointment of a Judicial Factor, who shall find such Caution as may be deemed necessary, with the Powers necessary for such Preservation, including the Power to recover Debts, or by such other Proceedings as may be requisite; and such interim Appointments or Proceedings shall be carried into immediate Effect; but if the same have been made or ordered by the Sheriff, they may be recalled by the Court of Session, on Appeal taken, in manner herein-after directed.

After Sequestration Bankrupt's Papers may be sealed up.

XVII. The Sheriff shall have Power, upon Cause shown by any Creditor, or without any Application, if he shall think fit, at any Time after the Sequestration and before the Election of a Trustee, to seal up and cause to be put under safe Custody the Books and Papers of the Bankrupt, and to lock up his Shop, Warehouse, or other Repositories, and to keep the Keys thereof till a Trustee is elected and confirmed.

Forum.

Courts for awarding Sequestration.

XVIII. Sequestration may be awarded either by the Court of Session or by the Sheriff of any County in which the Debtor, within the Year preceding the Date of the Petition, resided or carried on Business; provided, that no Sequestration shall be awarded by any Court after Production of Evidence that a Sequestration has already been awarded in another Court, and is still undischarged.

XIX. When

Later Sequestrations to be remitted to the first in Date.

XIX. When Sequestration has been awarded against a Debtor by the Sheriffs of Two or more Counties, the later Sequestration or Sequestrations shall, on Production of a Certificate by the Sheriff Clerk of the County in which the Sequestration first in Date was awarded, setting forth the Date of such Sequestration, be remitted to the Sheriff of such County; and where all the Sequestrations are of the same Date, any One may be brought by Appeal at any Time before either Division of the Court of Session or Lord Ordinary; and on such Appeal, or when a Sequestration has been awarded by the Court of Session alone, or by the Court of Session and also by One or more Sheriff Courts, the Court of Session or Lord Ordinary shall remit the Sequestration to such Sheriff Court as in the whole Circumstances they or he shall deem expedient; and a Notice of such Remit shall be inserted by the Clerks of the Bill Chamber in the Gazette within *Four* Days after such Remit shall have been made: Provided always, that in any Case in which the Sheriff has refused to sequestrate, it shall be competent to present a Petition for Sequestration to the Court of Session notwithstanding such Judgment of Refusal.

No Proceeding under Order of Sheriff to be effectual after Appeal, except for Preservation of Estate.

XX. It shall be competent in such Case for each Sheriff awarding Sequestration to take such Measures in the meantime as may be necessary for preserving the Debtor's Estate and Effects within his Jurisdiction, under the Provisions of this Act; but no other Orders given by any Sheriff on or after awarding Sequestration, except by the Sheriff to whom the Sequestration is remitted, and no Proceedings of Creditors or others in pursuance of any Orders, shall be of any Force or Effect from and after the Date of such Appeal, or of Sequestration by the Court of Session.

Form of Petition, and Productions therewith.

Form of Petition.

XXI. Petitions for Sequestration in the Court of Session shall be made to the Lord Ordinary, and be signed by the Petitioner or his Counsel or Agent, and the Division of the Court to which the Sequestration is appropriated shall be marked thereon, and in the Sheriff Court shall be signed by the Petitioner or his Agent, and in either Court, in Petitions at the Instance of the Debtor, but not signed by him, there shall be produced therewith a Mandate authorizing the same, signed by him, or in the Case of a Company signed by a Party entitled to act for the Company; and in all Cases the Petitioning or Concurring Creditor shall produce with such Petition an Oath to the Effect herein-after specified, and also the Account and Vouchers of the Debt as herein-after provided; failing which Production the Petition shall be dismissed.

Oath to be produced.

Oath to be to Verity of Debt and Extent of Securities.

XXII. Such Oath, in the Case of a Creditor residing within the Kingdom of Great Britain and Ireland, shall be taken by him before a Judge Ordinary, Magistrate, or Justice of the Peace, to the Verity of the Debt claimed by him; and he shall in such Oath state what other Persons, if any, are, besides the Bankrupt, liable for the Debt or any Part thereof, and specify any Security which he holds over the Estate of the Bankrupt or of other Obligants, and depone that he holds no other Obligants or Securities than those specified; and where he holds no other Person than the Bankrupt so bound, and no Security, he shall depone to that Effect.

How taken, when Creditor out of Great Britain or Ireland.

XXIII. Such Oath, in the Case of a Creditor who is out of the Kingdom of Great Britain and Ireland, shall be taken by him to the Verity of the Debt in the Manner above provided before a Magistrate or Justice of the Peace, or other Person qualified to administer Oaths in the Country where he resides, (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a British Minister or British Consul, or by a Notary Public,) or his known Agent or Mandatory in Great Britain or Ireland shall make an Oath of Credulity in the Manner and to the Effect before provided.

Oath to specify further Particulars in certain Cases.

XXIV. When a Petition is presented for Sequestration of the Estates of a deceased Debtor, the Petitioning Creditor shall, in his Oath, or in a separate Oath, specify the Place where the Debtor resided or had a Dwelling House or carried on Business in Scotland at the Time of his Death, and whether he was then Owner of Estates in Scotland; and when the Petition is presented during the Life of the Debtor, without the Consent of the Debtor, the Petitioning Creditor shall in such Oath, in the event of the Debtor's Bankruptcy being founded on his retiring within the Sanctuary, swear that he believes the Debtor to have so retired, as herein-before set forth.

Claims of Companies and Creditors who are Minors or incapable.

XXV. When the Creditor is a Corporation, an Oath of Verity made as aforesaid by the Secretary, Manager, Cashier, Clerk, or other principal Officer of such Corporation shall be sufficient, although the Person making the same be not a Partner in such Corporation, or in case of other Companies an Oath by a Partner shall be sufficient; and where any Creditor shall be under Age or incapable to make Oath, an Oath of Credulity as aforesaid by his authorized Agent, Factor, Guardian, or Manager shall be sufficient.

Citation

Citation on Petition.

When Citation of Parties necessary.

XXVI. When a Petition for Sequestration is presented without the Consent of the Debtor, or for the Sequestration of the Estate of a Debtor who is dead, without the Consent of the Successor, the Lord Ordinary or Sheriff to whom it is presented shall grant Warrant to cite the Debtor, or, if dead, his Successor, to appear within a specified Period, if he be within Scotland, by delivering to him personally, or by leaving at his Dwelling House or Place of Business, or the Dwelling House or Place of Business last occupied by him, a Copy of the Petition and Warrant, and if the Debtor or his Successor be furth of Scotland, to cite him to appear within a specified Period by leaving such Copy at the Office of Edictal Citations, at the Dwelling House or Place of Business last occupied by him, and, if the Debtor be dead, also at the Dwelling House or Place of Business occupied by him at his Death, to show Cause why Sequestration should not be awarded; and the Lord Ordinary or the Sheriff shall, if desired, grant Diligence to recover Evidence of the Notour Bankruptcy or other Facts necessary to be established.

In Sequestration of a Company.

XXVII. When the Debtor is a Company it shall be a sufficient Citation that a Copy of the Petition and Warrant be left at the Place where the Business of the Company is or was last carried on, provided a Partner or a Clerk or a Servant of the Company be there, and failing thereof at the Dwelling House of any of the acting Partners, and if the House of such Partner cannot be found, by leaving a Copy at the Office of Edictal Citations; and Sequestration may be awarded either on the Application of the Company itself, or on the Application of a Creditor or Creditors to the Amount aforesaid, without the Consent of the Company, of the Estates of the Company and Partners jointly, or of their respective Estates separately.

Induciæ of Citation.

XXVIII. The Induciæ of Citation, when made personally or at a Dwelling House or Place of Business, shall be not less than *Six* nor more than *Fourteen* Days, and when made edictally shall be *Twenty-one* Days; and the Lord Ordinary or the Sheriff at the same Time shall direct Intimation of the Warrant, and of the Diet of Appearance on such Induciæ, to be made in the Gazette.

Procedure on Petition.

Sequestration to be forthwith awarded on Petition by Debtor.

XXIX. When a Petition is presented in manner aforesaid to the Lord Ordinary, or to the Sheriff, for Sequestration, the Lord Ordinary or the Sheriff shall forthwith, if the same is presented by or with the Concurrence of the Debtor, or, if dead, of his Successor, or if the Successor shall renounce the Succession, issue a Deliverance

by which he shall award Sequestration of the Estates which then belong or shall thereafter belong to the Debtor before the Date of the Discharge, and declare the Estates to belong to the Creditors for the Purposes of this Act, and if the Debtor is dead shall ordain any Successor who has made up a Title to or is in possession of any Part of his Property to convey the same to the Trustee to be appointed as herein-after mentioned.

Sequestration to be awarded after Citation and hearing Parties when Petition not by Debtor.

XXX. Where the Petition is not by or with the Concurrence of the Debtor, or, if dead, of his Successor, and if the Debtor, or, if dead, his Successor, do not appear at the Diet of Appearance, either in Person or by his Counsel or Agent, and show Cause why the Sequestration cannot be competently awarded, or if the Debtor so appearing do not instantly pay the Debt or Debts in respect of which he was made Bankrupt, or produce written Evidence of the same being paid or satisfied, and also pay or satisfy, or produce written Evidence of the Payment or Satisfaction of the Debt or Debts due to the Petitioner or to any other Creditor appearing and concurring in the Petition, the Lord Ordinary or Sheriff, on Production of Evidence of the Citation and of the foresaid Requisites for Sequestration, shall award Sequestration in manner and to the Effect before mentioned; and it shall not be competent for any Creditor, after the Date of the First Deliverance on the Petition for Sequestration, to be confirmed Executor Creditor, or to raise or insist in any Adjudication against the Estate of the deceased Debtor.

Recal of Sequestration within Forty Days.

XXXI. The Deliverance awarding Sequestration when given on Petition to the Lord Ordinary shall not be subject to Review; but any Debtor whose Estate has been sequestrated without his Consent, or the Successors of any deceased Debtor whose Estate has been sequestrated without their Consent, unless on the Application of a Mandatory authorized by the deceased Debtor, or any Creditor, whether the Sequestration has been awarded by the Lord Ordinary or by the Sheriff, may, within *Twenty-one* Days after the Date of such Deliverance, present a Petition to the Lord Ordinary, setting forth the Grounds for Recal, and praying for Recal; and when Sequestration has been awarded of the Estate of a deceased Debtor, when his Successor was edictally cited, it shall be competent for his Successor, or any Person having Interest, to apply by Petition as aforesaid at any Time before the Publication of the Advertisement for Payment of the First Dividend herein-after mentioned; and the Lord Ordinary shall, in these several Cases, order a Copy of the Petition for Recal and of his Deliverance to be served on the Parties who petitioned or concurred in the Petition for Sequestration, or on their respective known Agents, and on the Trustee, if appointed, and shall

shall require them to answer within a specified short Time, and order a Notice of the Presentation of the Petition for Recal to be published in the Gazette, and on the Expiration of the Time so fixed he shall proceed to pronounce Judgment; and if he shall recal the Sequestration, the Recal shall be entered in the Register of Sequestrations, and on the Margin of the Register of Inhibitions.

Recal of Sequestration at future Time.

XXXII. No Petition for Recal of the Sequestration shall be competent after the Expiration of the said *Twenty-one* Days, or after the Advertisement for Payment of the First Dividend; provided that *Nine Tenths* in Number and Value of the Creditors ranked on the Estate as herein directed may at any Time apply for Recal by Petition to the Lord Ordinary, who shall order Notice of his Deliverance to be published in the Gazette, requiring all concerned to appear within *Fourteen* Days from the Date of Publication to show Cause why the Sequestration should not be recalled, and on Expiration of the said Time he shall proceed to pronounce Judgment.

Proceedings not to be stayed.

XXXIII. Pending any Petition for Recal, and until the Sequestration be finally recalled, the Proceedings in the Sequestration shall go on as if no such Petition had been presented.

Sisting of one Party for another.

XXXIV. If a Creditor who has petitioned for Sequestration, or concurred in such Petition, or who has petitioned for Recal of a Sequestration, or appeared to oppose a Petition for Sequestration or Recal, or lodged an Objection, shall withdraw, or become bankrupt, or die, any other Creditor may be sisted in his Place and follow out the Proceedings; and if the Debtor shall die after the Petition for Sequestration is presented, the Proceedings shall notwithstanding be followed out in Terms of this Act, so far as Circumstances will permit.

Payment of Expenses of petitioning or concurring Creditor.

XXXV. The petitioning or concurring Creditor shall be entitled to Payment by the Trustee, when he shall be appointed, out of the first of the Funds which shall come into his Hands, of the Expenses incurred by such Creditor in obtaining the Sequestration and doing the other Acts hereby required prior to the Election of the Trustee, as the same shall be taxed.

Commencement of Sequestration.

XXXVI. In all Questions under this Act or preceding Acts regarding Sequestration of the Estates of Debtors, the Sequestration shall be held to commence and take effect on and from the Date of the First Deliverance on any Petition for Sequestration, which shall be held to

be the Date of the Sequestration, although the Sequestration be not actually awarded until a later Date.

Clerks to Sequestration.

XXXVII. In Sequestrations awarded in the Court of Session and remitted to the Sheriff the Process of Sequestration shall be held to be in the Bill Chamber of the Court of Session, and the Clerks of the Bill Chamber shall be Clerks to such Sequestrations; and the Sheriff Clerk of any County shall be Clerk to the Sequestrations awarded by the Sheriff of that County; and no Process of Sequestration, either in the Court of Session or Sheriff Court, shall fall asleep; and on a Remit of a Sequestration awarded in the Court of Session being made to the Sheriff, a Copy of the Petition for Sequestration, and of the First Deliverance, and also (where it is different) of the Deliverance awarding Sequestration, certified by One of the Clerks of the Bill Chamber, shall, with the Productions, be transmitted by the Petitioner to the Sheriff Clerk of the County to the Sheriff of which the Sequestration is remitted; and in all Sequestrations the Sheriff Clerk and Messengers-at-Arms and Officers of the Sheriff Court shall have Power to act in their respective Offices under this Act.

Sequestration not to fall asleep.

Protection or Liberation of Debtor.

Warrant of Protection may be granted to the Debtor.

XXXVIII. The Lord Ordinary or Sheriff, when awarding Sequestration, may grant to the Debtor or Partners of the Company against whom or which it is awarded, a Warrant of Protection against Arrest or Imprisonment for Civil Debt until the Meeting of the Creditors for the Election of Trustee, or he may refuse to grant such Warrant of Protection; and every such Warrant of Protection which shall not be advertised in the London and Edinburgh Gazettes within *One Week* after the Date of such Sequestration shall be ineffectual and incapable of being pleaded in bar of personal Diligence; but, notwithstanding that the Lord Ordinary or Sheriff may have refused to grant Interim Warrant of Protection as aforesaid, it shall be competent to the Creditors on the Occasion of the Meeting to elect a Trustee, or at the Meeting after the Examination of the Bankrupt, or at any subsequent Meeting, to resolve that personal Protection ought to be granted to the Bankrupt for such Time as they may think fit, and the Trustee shall thereupon apply to the Sheriff, who shall grant the Protection.

Warrant to liberate the Debtor.

XXXIX. The Lord Ordinary or the Sheriff by whom Sequestration was awarded may, on Application made either in the Petition for Sequestration or by a separate Petition by the Debtor, grant Warrant for liberating the Debtor, if in Prison, after such Intimation to the incarcerating Creditor or his known Agent as the

the Lord Ordinary or the Sheriff may deem just, and after hearing any Objection to the granting of such Warrant; and if the Application be refused it shall be competent for the Debtor to make a new Application for Liberation, with Consent of the Trustee and Commissioners, and, on Intimation and hearing Objections as aforesaid, the Lord Ordinary or the Sheriff may grant Warrant to liberate; and in any Case the Lord Ordinary or the Sheriff may annex such Conditions of Caution or otherwise to such Warrant as he may judge proper.

Sheriff's Judgment subject to Appeal.

XL. The Judgment of the Sheriff granting or refusing Liberation shall be subject to Review by a Note of Appeal to either Division of the Court of Session, or, during Vacation, to the Lord Ordinary, which Appeal shall be heard summarily, and the Judgment pronounced thereon shall be final.

Effect of Warrant of Protection or Liberation.

XLI. The Warrant granting Protection or Liberation, or a Copy thereof, certified by One of the Bill Chamber Clerks if it is granted by the Lord Ordinary, or by the Sheriff Clerk if it is granted by the Sheriff, shall protect or liberate the Debtor from Arrest or Imprisonment in Great Britain and Ireland and Her Majesty's other Dominions, for Civil Debt contracted previous to the Date of Sequestration, and all Courts of Justice and Judges and all Officers and Gaolers shall be bound to give Effect to such Warrant; but such Warrant of Protection or Liberation shall not be of any Effect against the Execution of a Warrant of Apprehension or Imprisonment in meditatione fugæ or ad factum præstandum, or for any criminal Act.

Registration of Sequestrations.

Recording Abbreviate of Sequestration.

XLII. The Party applying for Sequestration shall present, before the Expiration of the *Second* lawful Day after the First Deliverance if given by the Lord Ordinary, or present or transmit by Post before the Expiration of the *Second* lawful Day after the said Deliverance if given by the Sheriff, an Abbreviate of the Petition and Deliverance, signed by him or his Agent, in the Form of Schedule (A. No. 1.) hereunto annexed, to the Keeper of the Register of Inhibitions at Edinburgh, who shall forthwith record the said Abbreviate in the Register of Inhibitions, and write and subscribe a Certificate thereof on the said Petition in the Form also specified in the said Schedule (A. No. 2.), and shall, on the Request of the Party transmitting such Abbreviate, and on Payment by him of the Fees of such Registration, and of the Postage, re-transmit the said Petition by Post to the said Party; and the Abbreviate so recorded shall from the Date of the said Deliverance have the Effect of an Inhibition and of a Citation in an

Adjudication of the Estate of the Debtor at the Instance of the Creditors afterwards ranked on the Estate; and it shall not be competent to stop such Effect, or the Effect of the Sequestration after it is awarded, by paying the Debt or Debts in respect of which it was applied for or awarded; and if the said Abbreviate be not so recorded it shall have no Effect as an Inhibition or Citation as aforesaid, and the Party applying for Sequestration shall, within *Four* Days from the Date of the Deliverance awarding the Sequestration (if awarded in the Court of Session), or, if it is awarded by the Sheriff, within *Four* Days after a Copy of the said Deliverance could be received in course of Post in Edinburgh, insert a Notice in the Form of Schedule (B.) hereunto annexed in the Gazette, and also One Notice in the same Terms within *Six* Days from the said Date in the London Gazette.

Ranking of Claims.

1*st. General Rules as to Voting and Ranking for Payment of Dividends.*

Creditor claiming must produce Oath.

XLIII. To entitle a Creditor to vote or draw a Dividend he shall be bound to produce at the Meeting, or in the Hands of the Trustee, an Oath to the Effect and taken in manner herein-before appointed in the Case of Creditors petitioning for Sequestration, and the Account and Vouchers necessary to prove the Debt referred to in such Oaths.

Oath in Cases where Accounts and Vouchers are not in Creditor's Possession.

XLIV. If the Creditor be not in possession of such Accounts and Vouchers previously to the Period herein-after assigned for lodging Claims with a view to a Share in any Dividend, he shall state, on his Oath, the Cause of the said Accounts and Vouchers not being produced, and in whose Hands, to the best of his Knowledge, the same are; which Oath shall entitle him to have a Dividend set apart till a reasonable Time be afforded for Production or for otherwise establishing his Debt according to Law; but he shall not be entitled to act or vote till such Production be made, or the Debt established as aforesaid; and the Trustee shall, on Production of the Oaths and Grounds of Debt, mark the same with his Initials, and make an Entry thereof in the Sederunt Book, and of the Date when the same were produced, and, if required, he shall return to the Creditor the Grounds of Debt.

Provision for Correction of Oath.

XLV. When it shall appear to the Sheriff or to the Trustee that the Oath or Claim of any Person produced with a view to voting or ranking, and drawing a Dividend on the Sequestration, is not framed in the Manner required by this Act, the Sheriff or Trustee, as the Case may be, shall call upon such Person, or his Agent or Mandatory, to rectify

rectify his Oath and Claim, pointing out to him wherein it is defective; and unless such Person or his Agent or Mandatory shall thereupon make such Alteration upon his Oath and Claim as may be necessary in order to rectify the same, the Sheriff or Trustee, as the Case may be, shall disallow or reject such Oath and Claim: Provided always, that when the Failure to comply with the Provisions of this Act shall appear to have been made for some improper or fraudulent Purposes, or where Injury can be qualified by the other Creditors or any of them in respect thereof, it shall not be incumbent upon the Sheriff or Trustee to give such Person an Opportunity to rectify his Oath and Claim as aforesaid.

Creditors may vote and rank for Principal and Interest to Date of Sequestration only.

XLVI. A Creditor who has a Claim or a Debt due shall be entitled to vote and rank for the accumulated Sum of Principal and Interest to the Date of the Sequestration, but not for any Interest accruing after the Date of the Sequestration, and if the Debt is not payable till after the Date of the Sequestration, he shall be entitled to vote and rank for it only after Deduction of the Interest from that Date, and he shall also be liable to Deduction of any Discount beyond legal Interest to which his Claim is liable by the Usage of Trade applicable to it, but he shall not be bound to specify separately in his Oath or Claim for his Debt the Amount of any Interest due thereon or of any Interest or Discount deducted therefrom, or to specify therein any accumulated Sum of Principal and Interest, and if there be any Residue of the Estate after discharging the Debts ranked he shall be entitled to claim out of such Residue the full Amount of the Interest on his Debt in Terms of Law.

Valuation of Claim depending on a Contingency.

XLVII. When the Claim of a Creditor depends upon a Contingency which is unascertained at the Date of lodging his Claim, he shall not be entitled to vote nor to draw a Dividend in respect of such contingent Debt, but he may apply to the Sheriff, if the Trustee has not been elected, or, if elected, to the Trustee, to put a Value on such Debt, and the Sheriff or Trustee (as the Case may be) shall put a Value thereon as at the Date of such Valuation; and on such Value being fixed such Creditor shall be entitled to vote and draw Dividends in respect of such Value, and no more: Provided that if such Contingency have taken place before the Debt has been valued, such Creditor may vote and draw Dividends in respect of the Amount of the Debt, but the same shall not disturb any former Dividends allotted to other Creditors; and when such Application is made to the Sheriff or Trustee, Notice thereof shall be given to the Bankrupt and petitioning or concurring Creditor; and the Judgment of the Sheriff or Trustee shall be subject to Review, and any Creditor who has claimed on the Estate may appeal, or appear and be heard on any Appeal.

Valuation of Claim on Annuity.

XLVIII. No Creditor in respect of an Annuity granted by the Bankrupt shall be entitled to vote and draw a Dividend until such Annuity shall be valued, but he may, if the Trustee has not been elected, apply to the Sheriff, or, if elected, to the Trustee, to put a Value on such Annuity; and the Sheriff or Trustee, as the Case may be, shall put a Value on the Annuity, regard being had to the original Price given for the Annuity, deducting therefrom such Diminution in the Value of the Annuity as shall have been caused by the Lapse of Time since the Grant thereof to the Date of the Sequestration; and such Creditor shall be entitled to vote and draw Dividends in respect of such Value, and no more: Provided always, that when such Application is made to the Sheriff, Notice thereof shall be given to the Bankrupt and the petitioning or concurring Creditor; and the Judgment of the Sheriff or Trustee shall be subject to Review, and any Creditor who has claimed on the Estate may appeal, or appear and be heard on any Appeal.

Liability of Creditors for Expenses.

XLIX. No Person shall, by merely lodging an Oath and Claim, or being ranked or receiving Payment of a Dividend, or appearing or voting at a Meeting in a Sequestration as a Creditor, be liable for any Claim by the Agent or other Person employed by the Trustee for Money advanced, or Expense incurred, or Remuneration in relation to the Affairs of the Estate, reserving to the Agent or other Person so employed Right to Payment out of the Estate and from the Trustee by whom he may have been employed, in so far as the same may be competent to him; and no Trustee shall have Relief in respect of such Payment against such Creditor, reserving to such Trustee Relief against the Estate, and against those Creditors or others who may on other Grounds be liable in Relief.

Oaths not to supersede other Evidence.

L. In no Case shall Oaths of Verity or Credulity supersede Production of legal Evidence, when required, in any Discussion before the Court of Session, the Lord Ordinary, the Sheriff, or the Trustee.

2d. Special Rules as to Voting.

Valuation of Securities for voting.

LI. If a Creditor hold a Security for his Debt over any Part of the Estate of the Bankrupt, he shall, before voting, make an Oath, in which he shall put a specified Value on such Security, and deduct such Value from his Debt, and specify the Balance, and if the Estate over which the Security extends be sold, he shall specify in his Oath the free Proceeds which he has received or shall be entitled to receive therefrom, and specify the Balance due after Deduction thereof, and he shall be entitled in any Case to vote

vote in respect of the Balance, and no more, without Prejudice to the Amount of his Debt in other respects; and in Questions as to the Disposal or Management of the Estate subject to his Security he shall be entitled to vote as a Creditor for the full Amount of his Debt, without making any such Deduction.

Valuation of Obligations of Co Obligants with Bankrupt.

LII. When a Creditor has an Obligant bound with but liable in Relief to the Bankrupt, or holds any Security from an Obligant liable in Relief to the Bankrupt, or any Security from which the Bankrupt has a Right of Relief, such Creditor shall, before voting, make an Oath, in which he shall put a specified Value on the Obligation of such Obligant, and on such Security, to the Extent to which the Bankrupt is entitled to Relief, and he shall deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote in respect of such Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Valuation of Claims against a Company and Partners.

LIII. A Creditor on the Estate of a Company shall not be bound, for the Purpose of voting on the Company's Estate, to deduct from his Claim the Value which he may be entitled to draw from the Estates of the Partners; but if he claim on the Estate of a Partner, he shall, before voting, in his Oath put a specified Value on his Claim against the Estate of the Company, and also against the other Partners thereof, in so far as they are liable to relieve such Partner, and deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote as a Creditor for the said Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Trustee may require a Conveyance of Security by Creditor at 20 per Cent. Addition to his own Valuation.

LIV. It shall be competent to the Trustee, with Consent of the Commissioners, within *Two* Months after an Oath, specifying the Value of a Security, or Obligation, or Claim in the several Cases before mentioned, has been made use of in voting at any Meeting or in assenting to or dissenting from the Bankrupt's Composition or Discharge, and it shall also be competent to the Majority of the Creditors (excluding the Creditor making such Oath) assembled at any Meeting, and during such Meeting, to require from the Creditor making such Oath a Conveyance or Assignation in favour of the Trustee of such Security, Obligation, or Claim, on Payment of the specified Value, with *Twenty* per Centum in addition to such Value; and the Creditor shall be bound to grant such Conveyance or Assignation, at the Expense of the Estate: Provided that where a Creditor has put a Value on such Security or Obligation, he may at any Time before he has been required to convey and assign as aforesaid,

Creditor may correct Valuation by new Oath.

said, correct such Valuation by a new Oath, and deduct such new Value from his Debt.

Mandatories for Creditors may vote.

LV. The Mandatory of any Person entitled to vote as a Creditor may vote in the Absence of such Creditor, provided he exhibit a Mandate; and the Vote of such Mandatory shall, within his Mandate, be held as the Vote of the Creditor himself.

Persons acquiring Debts after Sequestration not to vote.

LVI. Any Person who shall acquire after the Date of the Sequestration, otherwise than by Succession or Marriage, a Debt due by the Bankrupt, and the Wife of the Bankrupt and any Trustee for her shall not be entitled to vote in the Election of Trustee or Commissioners, but in all other respects such Person may be ranked as a Creditor.

3d. Special Rules as to Ranking for Payment of Dividends.

Valuation of Securities with a view to a Dividend.

LVII. To entitle any Creditor who holds a Security over any Part of the Estate of the Bankrupt to be ranked in order to draw a Dividend, he shall on Oath put a specified Value on such Security, and deduct such Value from his Debt, and specify the Balance; and the Trustee, with Consent of the Commissioners, shall be entitled to a Conveyance or Assignation of such Security, at the Expense of the Estate, on Payment of the Value so specified out of the first of the Common Fund, or to reserve to such Creditor the full Benefit of such Security; and in either Case the Creditor shall be ranked for and receive a Dividend on the said Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Value of Claim against a Company to be deducted from Claim against Partners.

LVIII. When a Creditor claims on the Estate of the Partner of a Company in respect of a Debt due by such Company, the Trustee on the Estate of such Partner shall, before ranking such Creditor, put a Valuation on the Estate of the Company, and deduct from the Claim of such Creditor such estimated Value, and rank and pay to him a Dividend only on the Balance.

Election and Removal or Resignation of Trustee.

Appointment of Meeting to elect a Trustee.

LIX. The Lord Ordinary or the Sheriff, by the Deliverance which awards the Sequestration, shall appoint a Meeting of the Creditors, to be held at a specified Hour, on a specified Day, being not earlier than *Six* nor later than *Twelve* Days from the Date of such Deliverance, at a convenient Place within the County of the Sheriff awarding Sequestration, or to whom the Sequestration is remitted, to elect a Trustee or Trustees in Succession, and do the other Acts herein-after provided.

LX. Creditors

LX. Creditors or their Mandatories, qualified as aforesaid, shall assemble at the Time and Place fixed for the Election of Trustee, with Power to adjourn for such reasonable Time as may seem fit, provided such Adjournment do not postpone the Meeting for the Election of Trustee beyond the Limit of the Period within which that Meeting is by this Act appointed to be held; and if *Two* or more Creditors shall give Notice to the Sheriff of the County, such Sheriff shall attend the Meeting and adjourned Meetings, and preside; and the Sheriff Clerk or his Depute shall also attend, and mark the Oaths and Productions with his Initials, and write the Minutes in the Presence of the Meeting, and enter therein the Names and Designations of the Creditors present, or of the Mandatories of Creditors, and the Amount for which they claim, and any other Circumstances which the presiding Sheriff shall judge fit, which Minutes the presiding Sheriff shall sign; and the Clerk shall retain the Oaths of the several Claimants, subject to the Exhibition thereof in his Hands, till the Election shall be determined, when he shall deliver the same to the Trustee; and when the Sheriff is not present the Creditors shall elect a Preses and (if the Sheriff Clerk or a Depute be not present) a Clerk; and the Preses shall mark the Oaths and Productions with his Initials, and sign the Minutes; and the Clerk shall, in the Presence of the Meeting, write the Minutes, and enter therein the Names and Designations of the Creditors or Mandatories, and the Amount for which they claim, and any other Circumstances relating to the said Meeting which the Preses shall judge fit, which Minutes the Preses shall sign; and the Creditors or their Mandatories who have produced their Oaths and Documents of Debt, and who have been entered in the Minutes, shall then and there elect a fit Person to be Trustee, or Two or more Trustees, to act in succession, in case of Nonacceptance, Death, Resignation, Removal, or Disqualification, and in the Case of the Sequestration of the Estates of a Company and of the Partners, One Trustee for all the Estates, or separate Trustees on the Estates of the Company and on the Estates of all or each of the individual Partners or Trustees in succession as aforesaid; and it shall not be lawful to elect as Trustee the Bankrupt, or any Person conjunct or confident with the Bankrupt, or who holds an Interest opposed to the general Interest of the Creditors, or whose Residence is not within the Jurisdiction of the Court of Session.

Procedure at Meeting for Election of Trustee.

LXI. If the Sheriff be present at the Election of Trustee, and there be no Competition for the Office, or Objection stated to the Candidate or Candidates, he shall, by a Deliverance on the Minutes, declare the Person chosen by the Creditors to be Trustee, and if there be Competition, or Objections to the Candidate or Candidates, such

Judgment of Sheriff as to Trustee.

such Objections to the Votes or Candidates shall be stated at the Meeting, and the Sheriff may either forthwith decide thereon, or make Avizandum and he shall, if necessary, make a short Note of the Objections and of the Answers, on which he shall, within *Four* Days after the Meeting, hear Parties vivâ voce, and declare the Person or Persons Trustee or Trustees in succession whom he shall find to have been duly elected, and state the Grounds of his Decision in a Note, and the same, as well as such short Note, shall form Part of the Process.

When Sheriff not present.

LXII. When the Preses has been elected by the Creditors, such Preses (whether there be any Competition or Objection or not) shall forthwith report the Proceedings to the Sheriff; and the Oaths of the several Claimants shall, if the Sheriff Clerk or his Depute be present, remain in his Possession, or, if he be not present, shall be transmitted to the Sheriff Clerk by the Preses, to be retained by him till the Trustee shall be finally appointed, when he shall deliver the same to the Trustee; and if there be no Competition or Objection the Sheriff shall declare the Person or Persons elected Trustee or Trustees in succession; and if there be Competition or Objection the Parties shall, within *Four* Days from the Date of the said Meeting, lodge in the Hands of the Sheriff Clerk short Notes of Objections, and the Sheriff shall forthwith hear Parties thereon vivâ voce, and give his Decision, and state the Grounds thereof in a Note, which Note, as well as such short Notes, shall form Part of the Process.

Judgment of Sheriff as to Trustee final.

LXIII. The Judgment of the Sheriff declaring the Person or Persons elected to be Trustee or Trustees in succession, shall be given with the least possible Delay; and such Judgment shall be final, and in no Case subject to Review in any Court or in any Manner whatever.

Caution to be found by Trustee.

LXIV. The Creditors shall at the Meeting for Election of a Trustee fix a Sum for which the Trustee shall find Security for his Intromissions and Performance of the Duties and Rules hereby enacted, and shall also decide on the Sufficiency of the Caution offered; and the Person declared to be Trustee shall forthwith lodge with the Sheriff Clerk a Bond of Caution, signed by the Trustee and his Cautioner, in the Form of the Schedule (C.) hereunto annexed, which Bond shall be furnished to him by the Sheriff Clerk.

Act and Warrant in favour of Trustee.

LXV. On the Decision of the Sheriff being given, declaring the Person elected Trustee, and on a Bond by the Trustee and his Cautioner being duly lodged as aforesaid, the Sheriff shall confirm

confirm his Election as Trustee, which Confirmation shall be final, and not subject to Review in any Court or in any Manner whatever; and the Sheriff Clerk shall issue an Act and Warrant in the Form of Schedule (D.) hereunto annexed to the Trustee, and the Trustee shall immediately transmit a Copy of such Act and Warrant to the Accountant, who shall make an Entry of the Name and Designation of the Trustee in the Register of Sequestrations, and such Act and Warrant shall be an effectual Title to the Trustee to perform the Duties hereby imposed on him, and shall be Evidence of his Right and Title to the sequestrated Estate, for the Purposes of this Act; and a Copy of such Act and Warrant in favour of the Trustee, purporting to be certified by the Accountant, and to be authenticated by One of the Judges of the Court of Session, shall be received in all Courts and Places within England, Ireland, and Her Majesty's other Dominions as primâ facie Evidence of the Title of the Trustee, without Proof of the Authenticity of the Signatures or of the official Character of the Persons signing, and shall entitle the Trustee to recover any Property belonging or Debt due to the Bankrupt, and to maintain Actions, in the same Way as the Bankrupt might have done if his Estate had not been sequestrated.

To be a complete Title to him.

LXVI. A Majority in Number and Value of the Creditors present at any Meeting duly called for the Purpose, may remove the Trustee, or accept of his Resignation; and *One Fourth* of the Creditors in Value may at any Time apply by Petition to the Lord Ordinary for Removal of the Trustee, and the Lord Ordinary shall order such Petition to be served on the Trustee, and intimated in the Gazette; and if the Lord Ordinary shall be satisfied that sufficient Reason has been shown, he shall remove the Trustee, and appoint a Meeting of the Creditors to be held for devolving the Estate on the Trustee next in succession, or electing a new Trustee; and if the Trustee shall die, resign, or be removed, or remain at any One Time for *Three* Months furth of Scotland, any Commissioner, or any Creditor ranked or claiming and entitled to be ranked on the Estate, may apply to the Sheriff for an Order to hold a Meeting for devolving the Estate on the Trustee next in succession, or electing a new Trustee; and the Sheriff shall grant Warrant to hold such Meeting at a certain Time and Place, which shall be advertised in the Gazette by the Commissioner or Creditor so applying, and at the Time and Place so appointed the Creditors at such Meeting may devolve the Estate on the Trustee next in succession, or elect a new Trustee; and when the Estate is devolved on such Trustee the Creditors shall fix the Amount for which he shall find Security, and on a Bond being lodged the Sheriff shall confirm him,

Removal or Resignation of Trustee.

Election of a new Trustee.

and an Act and Warrant shall be issued and recorded in the same Way and to the same Effect as in the first Election of a Trustee; and in all Cases of a new Election of a Trustee the Procedure shall take place in the like Manner as is herein-before provided in the Case of the First Election; and the succeeding or new Trustee shall be vested with the Powers and perform the Duties and be subject to the same Rules as are herein-before provided, and shall call to account the former Trustee, or his Heirs or Representatives.

Election and Removal of Commissioners.

Election of Commissioners.

LXVII. At the Meeting for Election of a Trustee the Creditors present or their Mandatories shall, after the Election of the Trustee, elect *Three* Commissioners (if there be so many Creditors who have claimed), who shall be either Creditors or Mandatories of Creditors, and the like Proceedings shall take place in regard to their Election as is provided in regard to the Election of Trustee (except that they shall not be bound to find Security); and the Sheriff shall decide who are the Persons duly elected, and declare their Election by a Deliverance in the Sederunt Book, which Decision shall be final, and shall entitle them to act without further Confirmation, and a Majority of them shall be a Quorum: Provided that no Person shall be eligible as a Commissioner who is disqualified to be a Trustee; and any Mandatory who has been elected a Commissioner shall lose that Office, upon written Intimation being sent by his Constituent to the Trustee that he has recalled the Mandate, and the Trustee shall immediately record the Intimation in the Sederunt Book; and the Trustee shall, in all Cases where a Commissioner has declined to act, or resigned, or become incapacitated, call a Meeting of Creditors for the Purpose of electing a new Commissioner, and such Commissioner shall be elected in manner herein-before provided.

Removal of Commissioners.

LXVIII. A Majority of the Creditors assembled at any Meeting duly called for that Purpose may remove a Commissioner, and may elect another in his Place, in manner before directed.

Protection and Allowance to Bankrupt.

Protection to Bankrupt.

LXIX. At the Meeting for the Election of a Trustee, or at the Meeting held after the Examination of the Bankrupt, or at any Meeting called for the Purpose, the Majority in Number and Value of the Creditors present may resolve that the personal Protection of the Bankrupt ought to be renewed for such Time as they may think fit, and in such Case the Trustee shall apply to the Sheriff, who shall renew

renew the Protection, and the Deliverance by him renewing the same, or an Extract thereof signed by the Sheriff Clerk, shall have the same Effect as the original Warrant of Protection.

Allowance to Bankrupt.

LXX. At the Meeting for Election of a Trustee, or at the Meeting held after the Examination of the Bankrupt, or at any Meeting called for the Purpose, *Four Fifths* in Value of the Creditors present may authorize Payment from Time to Time to the Bankrupt, or to the Partners of a Company, (if the Sequestration be of a Company Estate,) of such Sum out of the Estate as they shall think proper for Sustenance, until the Period assigned for Payment of the Second Dividend, but such Allowance shall not exceed *Three Pounds Three Shillings* per Week to the Bankrupt, or to each individual Partner of a Company, from the Date of Sequestration to the Period aforesaid, and no Allowance shall be given if the Bankrupt shall not have complied with the Provisions of this Act: Provided always, that if it shall at any Time be the Opinion of a Majority of the Creditors present at a regular Meeting that it is for the Interest of the Estate that a special Allowance should be further made to the Bankrupt, and if the Accountant in Bankruptcy shall report in its Favour, it shall be competent for either Division of the Court, on Application by the Trustee, with the said Concurrence of Creditors, and Report by the Accountant, to award such Allowance, which shall then be payable out of the Estate.

Duties of Trustee and Commissioners.

Record of Abbreviate of his Confirmation.

LXXI. The Trustee, within *Twenty-one* Days after his Election is confirmed, shall present an Abbreviate, signed by him or his Agent, in the Form of Schedule (E. No. 1.), hereunto annexed, to the Keeper of the Register of Abbreviates of Adjudications, who shall forthwith record the same, and write and subscribe a Certificate on the said Abbreviate in the Form specified in the said Schedule (E. No. 2); and the like Proceeding shall take place within *Twenty-one* Days after the Election of each new Trustee shall be confirmed.

Trustee to take possession of Estate and Books, and make up Inventory.

LXXII. The Trustee shall, as soon as may be after his Appointment, take possession of the Bankrupt's Estate and Effects, and of his Title Deeds, Books, Bills, Vouchers, and other Papers and Documents, and also make up an Inventory of such Estate and Effects, and a Valuation showing the estimated Value and the annual Revenue thereof, and shall forthwith transmit Copies thereof to the Office of the Accountant.

Bankrupt to make up State of his Affairs;

LXXIII. The Bankrupt shall make up, and at the Meeting appointed for the Election of a Trustee deliver to the Clerk of such Meeting, a State of his Affairs, specifying his whole Property, wherever situated, the Property in expectancy or to which he may have an eventual Right, the Names and Designations of his Creditors and Debtors, and the Debts due by and to him, and a Rental of his Heritable Property, which State and Rental shall be subscribed by the Bankrupt, and preserved by the Clerk to the Sequestration, until the Trustee be elected and confirmed, and shall then be delivered to the Trustee, and Abstracts thereof shall be engrossed in a Sederunt Book to be kept by the Trustee; and the Bankrupt shall at all Times give every Information and Assistance necessary to enable the Trustee to execute his Duty; and if the Bankrupt fail to do so, or to grant any Deed which may be requisite for the Recovery or disposal of his Estate, the Trustee may apply to the Sheriff to compel him to give such Information and Assistance, and to grant such Deeds, under the Penalty of Imprisonment and of Forfeiture of the Benefit of this Act, and unless Cause be shown to the contrary the Sheriff shall issue a Warrant of Imprisonment accordingly.

and to give Information and grant Deeds.

Trustee to recover Funds.

LXXIV. The Trustee shall manage, realize, and recover the Estate belonging to the Bankrupt, wherever situated, and convert the same into Money, according to the Directions given by the Creditors at any Meeting, and if no such Directions are given, he shall do so with the Advice of the Commissioners; and he shall lodge all Money which he shall receive in such Bank as the Majority of the Creditors in Number and Value at any General Meeting shall appoint, and failing such Appointment, in any Joint Stock Bank of Issue in Scotland (provided that the Bank be not One in which the Trustee shall be an acting Partner, Manager, or Cashier); and the Money shall be lodged in the Name of the Trustee, in his official Character under this Act, at the highest Rate of Interest which can be procured for the same; and such Bank shall, once yearly at least, balance such Account, and accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest as Principal; and if such Bank fail to do so such Bank shall be liable to account as if such Interest had been so accumulated.

Penalty on Trustee retaining Funds.

LXXV. If the Trustee shall keep in his Hands any Sum exceeding *Fifty Pounds* belonging to the Estate for more than *Ten* Days, he shall pay Interest to the Creditors at the Rate of *Twenty Pounds* per Centum per Annum on the Excess of such Sum above *Fifty Pounds* for such Time as the same shall be in his Hands beyond *Ten* Days; and

and unless the Money has been so kept from innocent Causes, the Trustee shall be dismissed from his Office, upon Petition to the Lord Ordinary or Sheriff by any Creditor, and have no Claim to Remuneration, and shall be liable in Expenses.

Trustee to keep a Sederunt Book, and send Copy of Accounts to Accountant.

LXXVI. The Trustee shall keep a Sederunt Book, in which he shall record all Minutes of Creditors and of Commissioners, States of Accounts, Reports, and all the Proceedings necessary to give a correct View of the Management of the Estate, and he shall also keep regular Accounts of the Affairs of the Estate, and transmit to the Accountant in Bankruptcy, before each of the Periods herein assigned for Payment of a Dividend, a Copy, certified by himself, of such Accounts, in so far as not previously transmitted, and such Copies shall be preserved in the Office of the Accountant; and the Sederunt Book and Accounts shall be patent to the Commissioners and to the Creditors or their Agents, at all Times: Provided always, that when any Document is of a confidential Nature (such as the Opinion of Counsel on any Matter affecting the Interest of the Creditors on the Estate) the Trustee shall not be bound to insert it in the Sederunt Book, or to exhibit it to any other Person than the Commissioners.

Duties of Commissioners.

LXXVII. The Commissioners shall superintend the Proceedings of the Trustee, concur with him in Submissions and Transactions, give their Advice and Assistance relative to the Management of the Estate, decide as to paying or postponing Payment of a Dividend, and may assemble at any Time to ascertain the Situation of the Bankrupt Estate, and any One of them may make such Report as he may think proper to a General Meeting of the Creditors.

Judicial Factor, Trustee, and Commissioners amenable to Lord Ordinary and Sheriff.

LXXVIII. The Judicial Factor, the Trustee, and Commissioners shall be amenable to the Lord Ordinary and to the Sheriff, although resident beyond the Territory of the Sheriff, at the Instance of any Party interested, to account for their Intromissions and Management, by Petition served on them; and in case it shall appear that such Application ought not to have been made, the Party complained of shall be entitled to his full Expenses, to be either retained out of the Funds, or recovered from the Party complaining, as the Lord Ordinary or the Sheriff shall direct.

Examination of Bankrupt.

Sheriff to name a Day for Bankrupt's Examination.

LXXIX. The Trustee shall, within *Eight* Days after the Date of the Act and Warrant confirming him, apply to the Sheriff to name a Day for the public Examination of the Bankrupt in open Court, and the Sheriff shall issue his Warrant for the Bankrupt to attend for such

Examination within the Sheriff Court House on a specified Day and at a specified Hour, being not sooner than *Seven* Days nor later than *Fourteen* Days from the Date of the Sheriff's Warrant; and on the Sheriff granting such Warrant the Trustee shall publish an Advertisement, in Terms of Schedule (F.) hereunto annexed, in the Gazette, and send by Post or otherwise special Notice to every Creditor, who has lodged a Claim, or who may be named in the Bankrupt's State of Affairs, intimating his Name and Designation, his Election as Trustee, the Day, Hour, and Place fixed for the Examination of the Bankrupt, and also a specified Day, being not sooner than *Seven* Days nor later than *Fourteen* Days after the Day appointed for the Examination of the Bankrupt, or, in case of a deceased Debtor, not sooner than *Seven* Days nor later than *Fourteen* Days from the Date of the Trustee's Confirmation, and also the Hour and Place for holding a Second Meeting of the Creditors, and shall also in the same Notice intimate the Period within which Claims should be lodged.

Sheriff may grant Warrant to bring Bankrupt for Examination.

LXXX. It shall be competent for the Sheriff to grant a Warrant to apprehend the Bankrupt, and bring him before the Sheriff for Examination; and if the Bankrupt be imprisoned for a Debt or other Civil Obligation within Scotland, the Sheriff may grant Warrant to Magistrates and Gaolers, on receiving a Duplicate of such Warrant, and an Acknowledgment for the Person of the Bankrupt, to deliver him to the Officer presenting the same, and they shall do so accordingly; and the Sheriff may also grant Warrant to bring the Bankrupt from the Sanctuary, which Warrant shall protect him against Arrest for Debt or other Civil Obligation while under Examination, and on the Way to and from the Place of Examination, and shall be sufficient Authority, either within or beyond the Territory of the Sheriff in Scotland, to Messengers-at-Arms, and to the Officers of the Sheriff, to apprehend, transmit, detain, and imprison, and to Gaolers to deliver up, receive, and detain, the Bankrupt, until his Examination is concluded, and also for his Re-transmission after Examination to the Gaol from which he was delivered up, and Re-imprisonment therein; and if the Bankrupt cannot be brought from Gaol or the Sanctuary, or cannot be examined by the Sheriff there, or is by a lawful Cause prevented from attending at the Time and Place appointed, or is in Custody on a criminal Charge, or is abroad, the Sheriff may grant Commission to take the Examination; and the Sheriff or Commissioner may, if he see Cause, adjourn the Examination of the Bankrupt to an early Day, to be then fixed; and the Sheriff may, on the Application of the Trustee, order the Bankrupt to be examined as often as he shall see fit.

LXXXI. If

Apprehension and Transmission of the Bankrupt when out of Scotland.

LXXXI. If the Bankrupt be in any Part of Great Britain and Ireland other than Scotland, the Lord Ordinary may, on Petition by the Trustee, grant Warrant to all Judges, Magistrates, Justices of the Peace, and Officers of the Law, to apprehend and transmit him to the Place of his Examination, and to enforce the same, which they are hereby required to do; and if the Bankrupt be in Prison or Custody, the Lord Ordinary may grant Warrant as aforesaid to Magistrates and Gaolers, upon receiving a Duplicate of such Warrant, and an Acknowledgment for the Person of the Bankrupt, to deliver him to the Messenger or Officer presenting such Warrant, which they shall do accordingly; and such Warrant shall be sufficient Authority for the Apprehension, Transmission, Detention, and Imprisonment of the Bankrupt (when necessary for his safe Custody), and for his Re-transmission after Examination to and Re-imprisonment in the Prison or Custody from which he was delivered up.

Examination of Bankrupt's Wife and others.

LXXXII. The Sheriff may, at any Time, on the Application of the Trustee, order an Examination of the Bankrupt's Wife and Family, Clerks, Servants, Factors, Law Agents, and others, who can give Information relative to his Estate, on Oath, and issue his Warrant requiring such Persons to appear; and if they refuse or neglect to appear, when duly summoned, the Sheriff may issue another Warrant to apprehend the Person so failing to appear: Provided that when such Person is not the Bankrupt, nor his Wife, nor One of his Family, nor his Clerk or Servant, no Warrant for Apprehension shall be issued until the Expiration of *Eight* Days from the Service of the First Warrant, unless the Trustee shall, on Oath, specify a reasonable Cause of Belief that such Person intends to leave the Country to avoid the Examination, in which Case the Sheriff may forthwith issue such Warrant; which several Warrants shall be sufficient to authorize Messengers-at-Arms, or the Officers of the Sheriff, to execute the same, either within or without the Territory of the Sheriff in Scotland as aforesaid; and if any Person liable to be examined cannot attend, the Sheriff may grant Commission to take his Examination; and such Examination, whether by the Sheriff or by a Commissioner, may be adjourned, if it shall seem fit, to an early Day, to be then fixed: Provided that Persons, other than the Bankrupt, summoned to attend for Examination shall be entitled to such Allowances as Witnesses are in other Cases entitled to, and the Amount of which, if disputed, shall be fixed by the Sheriff.

Bankrupt and others must answer lawful Ques-

LXXXIII. The Bankrupt and such other Persons shall answer all lawful Questions relating to the Affairs of the Bankrupt; and the Sheriff may order such Persons to produce for Inspection any Books

tions, and produce Documents.

of Account, Papers, Deeds, Writings, or other Documents in their Custody relative to the Bankrupt's Affairs, and cause the same, or Copies thereof, to be delivered to the Trustee.

Mode of Examination.

LXXXIV. The Examination of the Bankrupt, and of such other Persons, shall be taken upon Oath, and shall, except in the Cases already specified, wherein a Commission is allowed to be granted, take place before the Sheriff, and the Bankrupt's Examination shall be taken and may be written or dictated by the Sheriff, and authenticated in the ordinary Way as a regular Deposition; but Notes of the Evidence of such other Persons shall be written by the Sheriff in the Mode prescribed by the Act passed in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Fifty-three, with regard to Proofs in Civil Cases in the Sheriff Courts, except where it shall appear to him necessary to record and authenticate such Evidence, in whole or in part, in the Form of a regular Deposition.

Penalty on Refusal to answer, &c.

LXXXV. If the Bankrupt or any of such other Persons shall refuse to be sworn, or to answer, to the Satisfaction of the Sheriff, any lawful Question put to him by the Sheriff or Trustee, or by any Creditor with the Sanction of the Sheriff, or without lawful Cause shall refuse to sign his Examination, or to produce Books, Deeds, or other Documents in his Custody or Power relating to the Estate, the Sheriff may grant Warrant to commit him to Prison, there to remain until he comply with the Order, which Warrant shall specify the Question and Answer, Book, Deed, Document, or the Refusal to swear or to sign the Examination; and such Warrant shall not be subject to the Review of the Court of Session, but the Bankrupt or Person imprisoned may apply by written Petition (without Argument) to the Lord Ordinary for a Recal of the Warrant, and the Lord Ordinary shall order the Petition to be served on the Trustee or the Creditor, and shall thereafter hear Parties vivâ voce, and pronounce Judgment.

Penalty on latent Partner of Bankrupt Company not coming forward.

LXXXVI. If any latent Partner of a Company whose Estates have been sequestrated shall not, by Intimation to the Trustee, acknowledge that he is a Partner, on or before the Day appointed for the Examination of the known Partners, he shall not be entitled to the Benefits or Privileges of this Act, unless in an Application for the same he shall satisfy the Lord Ordinary or the Sheriff that the Omission proceeded from innocent Mistake, or Ignorance of the Proceedings, or reasonable Misconception as to his Liability as a Partner, and unless he shall then follow out all necessary Steps for remedying as far as possible the Loss and Inconvenience thence arising.

LXXXVII. The

LXXXVII. The Bankrupt, before the Close of his Examination, may make such Additions to or Alterations upon the State of his Affairs as may have occurred to him to be necessary to give a full View of his Affairs, which State, with the Additions and Alterations, shall be subscribed by the Sheriff and the Bankrupt; and the Bankrupt shall then take the following Oath, which shall be engrossed in the Sederunt Book, and subscribed as aforesaid, as relative to such State; and when the Bankrupt is a Partner with others, and examined respecting the Affairs of the Partnership, the Words of the Oath shall so far be varied as to make it applicable to the Case:

Bankrupt may correct his State, and then must take Oath inserted in this Act.

'I DO, in the Presence of Almighty God, and as I shall answer to God at the great Day of Judgment, solemnly swear, That the State of my Affairs subscribed by me as relative hereto contains a full and true Account, to the best of my Knowledge and Belief, of all the Debts, of whatever Nature, due to me, and of all my Estate and Effects, Heritable and Moveable, Real and Personal, wherever situated (the necessary Wearing Apparel of myself, my Wife and Family, only excepted), as well as of all Claims which I am entitled to make against any Person or Persons whatsoever, and of all Estate in expectancy, or Means, of whatever kind, to which I have an eventual Right by Contract of Marriage, Trust Deed, Settlement, Deed of Entail, or otherwise; and that the said State likewise contains a full and true Account of all Debts due by me or Demands upon me; and that I have delivered up the whole Books, Documents, Accounts, Title Deeds, and Papers of every kind belonging to me which in any way relate to my Affairs, and which were or are in my Possession or under my Power; and that I have made a full Disclosure of every Particular relating to my Affairs: And further, I promise and swear, That I will forthwith reveal all and every other Circumstance or Particular relative to my Affairs which may hereafter come to my Knowledge, and which may tend to increase or diminish the Estate in which my Creditors may be interested, directly or indirectly.'

Oath.

Powers of Second and subsequent Meetings of Creditors.

LXXXVIII. Prior to the Meeting of Creditors after the Examination of the Bankrupt, the Trustee shall prepare a Report setting forth the State of the Bankrupt's Affairs, and an Estimate of what the Estate may produce, which Report he shall exhibit at the Meeting of Creditors, and give all Explanations relative thereto; and the Creditors assembled at such Meeting may receive an Offer of Composition, as herein-after provided, and may, either at this or any other Meeting, give Directions for the Recovery, Management, and Disposal of the Estate; and when any Part of the Estate consists of Land or other

Report by Trustee after Bankrupt's Examination.

Powers of Creditors over Estate.

Heritable Property, it shall be optional to the Creditors to determine whether the Trustee is to bring such Property to Judicial Sale, or to dispose thereof by voluntary Public Sale.

Proceedings if Bankrupt do not make a fair Surrender.

LXXXIX. If it shall appear to a Majority of the Creditors in Number and Value assembled at any Meeting after the Examination of the Bankrupt, that he has not made a full and fair Surrender of his Estate, or that he has disposed of or concealed any Part of his Funds, to the Prejudice of his Creditors, or that his Bankruptcy has been fraudulent, they may authorize the Trustee to proceed against him in Terms of Law, at the Expense of the Estate.

Calling of and Procedure at Meetings.

When Meetings to be called.

XC. The Trustee, or any Commissioner with Notice to the Trustee, may at any Time call a Meeting of the Creditors, and the Trustee shall call such Meeting, when required by *One Fourth* in Value of the Creditors ranked on the Estate, or by the Accountant.

Notice of Meetings.

XCI. Notice of the Day, Hour, Place, and Purpose of all Meetings of Creditors under this Act shall be advertised in the Gazette *Seven* Days at least before the Day of the Meeting, and such Meeting may be adjourned to the following Day.

No Notice to be sent in certain Cases.

XCII. It shall not in any Case be necessary to send any Notification of the Day or Place of Meetings by Post to any Creditor whose Debt shall be under *Twenty Pounds*, unless such Creditor shall have given Directions in Writing that such Notification shall be sent; and no Notification shall be sent to any Creditor who has directed that none shall be sent.

Rules as to computing Majorities.

XCIII. All Questions at any Meeting of Creditors shall be determined by the Majority in Value of those present and entitled to vote, unless in the Cases herein otherwise provided for; and when, for the Purpose of voting, the Creditors are required to be counted in Number, no Creditor whose Debt is under *Twenty Pounds* shall be reckoned in Number, but his Debt shall be computed in Value.

Extent of Trustee's Right.

Vesting of Estate in Trustee.

XCIV. The Act and Warrant of Confirmation in favour of the Trustee shall ipso jure transfer to and vest in him or any succeeding Trustee, for behoof of the Creditors, absolutely and irredeemably, as at the Date of the Sequestration, with all Right, Title, and Interest, the whole Property of the Debtor, to the Effect following:

1st. The

1st. The Moveable Estate and Effects of the Bankrupt, wherever situated, so far as attachable for Debt, to the same Effect as if actual Delivery or Possession had been obtained, or Intimation made at that Date, subject always to such preferable Securities as existed at the Date of the Sequestration, and are not null or reducible : Vesting of Moveable Estate.

2d. The whole Heritable Estate belonging to the Bankrupt in Scotland, to the same Effect as if a Decree of Adjudication in Implement of Sale, as well as a Decree of Adjudication for Payment and in Security of Debt, subject to no legal Reversion, had been pronounced in favour of the Trustee, and recorded at the Date of the Sequestration, and as if a Poinding of the Ground had then been executed, subject always to such preferable Securities as existed at the Date of the Sequestration, and are not null and reducible, and the Creditors' Right to poind the Ground, as herein-after provided; and the Right of the Trustee shall not be challengeable on the Ground of any prior Inhibition (saving the Effect which such Inhibition may be entitled to in the ranking of the Creditors): Provided always, that such Transfer and vesting of the Heritable Estate shall have no Effect upon the Rights of the Superior, nor upon any Question of Succession between the Heir and Executor of any Creditor claiming on the sequestrated Estate, nor upon the Rights of the Creditors of the Ancestor (except that the Act and Warrant of Confirmation shall operate in their favour as complete Diligence): And if any Part of the Bankrupt's Estate be held under an Entail or by a Title otherwise limited, the Right vested in the Trustee shall be effectual only to the Extent of the Interest in the Estate which the Bankrupt might legally convey, or the Creditors attach : Vesting of Heritable Estate in Scotland.

3d. All Real Estate situated in England, Ireland, or in any of Her Majesty's Dominions, belonging to the Bankrupt, and all Interest in or regarding such Real Estate, which the Bankrupt held, or to which he was entitled: Provided that where, according to the Laws of England, Ireland, or other Her Majesty's Dominions, any Deed or Conveyance would require Registration, Enrolment, or recording, the Act and Warrant of Confirmation shall be so registered, enrolled, or recorded according to the Laws of England, Ireland, or other Her Majesty's Dominions; and if any Purchase is made by any Person for valuable Consideration, and without Notice of the Sequestration, prior to the Registration, Enrolment, or recording of the said Act and Warrant of Confirmation, such Purchase shall not be invalidated by the Existence of such Act and Warrant, or the subsequent Registration, Enrolment, or recording thereof. Vesting of Real Estates in England, Ireland, and other British Dominions.

Acquisitions of Bankrupt after the Sequestration to belong to the Creditors.

XCV. If any Estate, wherever situated, shall, after the Date of the Sequestration, and before the Bankrupt has obtained his Discharge, be acquired by him, or descend or revert or come to him, the same shall ipso jure fall under the Sequestration, and the full Right and Interest accruing thereon to the Bankrupt shall be held as transferred to and vested in the Trustee, as at the Date of the Acquisition thereof or Succession, for the Purposes of this Act; and the Trustee shall, on coming to the Knowledge of the Fact, present a Petition setting forth the Circumstance to the Lord Ordinary, who shall appoint Intimation, to be made in the Gazette, and require all concerned to appear within a certain Time for their Interest; and after the Expiration of such Time, and no Cause being shown to the contrary, the Lord Ordinary shall declare all Right and Interest in such Estate which belongs to the Bankrupt to be vested in the Trustee, as at the Date of the Acquisition thereof or Succession thereto, to the same Effect as is herein-before enacted in regard to the other Estates; and the Proceeds thereof, when sold, shall be divided in Terms of this Act; and if the Bankrupt do not immediately notify to the Trustee that such Estate has been acquired, or has come to him as aforesaid, he shall forfeit all the Benefits of this Act, and it shall be competent to the Trustee to examine him as aforesaid in relation thereto: Provided always, that the Rights of the Creditors of the Person from whom such Estate shall come or descend to the Bankrupt shall be reserved entire.

Subjects improperly included in Sequestration may be struck out.

XCVI. Any Person claiming Right to any Estate included in the Sequestration may present a Petition to the Lord Ordinary, praying to have such Estate taken out of the Sequestration, and the Lord Ordinary shall order the Trustee to answer within a certain Time, and on Expiration of such Time he shall proceed to dispose of the Application.

Trustee may complete Feudal Titles or grant such Rights as Bankrupt could do.

XCVII. The Bankrupt shall, if required, grant all Deeds necessary for recovering his Property and feudally vesting his Heritable Estate in the Trustee for the Purposes of this Act; and if the Bankrupt's Title to any Estate has not been completed, the Trustee may complete Titles in his own Person, whom failing, in favour of any Trustee who may succeed him, for Behoof of the Creditors, or in the Person of the Bankrupt; and Superiors shall, if required, enter the Trustee or the Purchaser from him in Terms of Law; and the Trustee may, without making up a Feudal Title in his Person, and without Concurrence of the Bankrupt, grant Conveyances of the Heritable Estate belonging to the Bankrupt, with such Procuratories, Precepts, or other Warrants, as the Bankrupt might competently have granted, which Conveyances shall be as effectual to the Purchaser as if they had been granted by the

the Bankrupt with Concurrence of the Trustee, and shall not be affected by any Inhibition against the Bankrupt, reserving the Effect of such Inhibition in the ranking.

Trustee may get Property transferred to him, although the Heir of the Bankrupt has made up Titles.

XCVIII. When Sequestration is awarded against the Estate of a Person after his Death, and his Successor has made up a Title to his Heritable Estate, the Trustee may apply by Petition to the Lord Ordinary, praying that such Estate shall be transferred to and vested in him, and the Lord Ordinary shall order the Petition to be served upon such Successor, and require him to answer the same within *Fourteen* Days; and an Abbreviate of such Petition and Deliverance, in Terms of the Schedule (A. No. 3.) hereunto annexed, being recorded in the Register of Inhibitions kept at Edinburgh, shall have the Effect of an Inhibition, and the Keeper of the Register shall write on the said Petition a Certificate in Terms of the said Schedule (A. No. 2.); and if on Expiration of that Period no Cause is shown to the contrary, the Lord Ordinary shall declare such Estate to be transferred to and vested in the Trustee, as at the Date of the Sequestration, to the same Effect as is herein-before provided in regard to the Act and Warrant of Confirmation; and the Trustee shall, within *Eight* Days thereafter, cause an Abbreviate of such Petition and Deliverance to be recorded in the Register of Abbreviates of Adjudications, in Terms of the Schedule (E. No. 3.) hereunto annexed, and the Keeper of the said Register shall write on such Abbreviate a Certificate in Terms of the said Schedule (E. No. 2.)

Decree to be recorded in the Register of Adjudications.

Effect of Sequestration on Ranking of Creditors.

Sequestration equivalent to an Adjudication in Competition;

XCIX. The Sequestration shall, as at the Date thereof, be equivalent to a Decree of Adjudication of the Heritable Estates of the Bankrupt for Payment of the whole Debts of the Bankrupt, Principal and Interest, accumulated at the said Date, and when the Sequestration is dated within Year and Day of any effectual Adjudication, the Estate shall be disposed of under the Sequestration according to the Provisions of this Act: Provided, that nothing herein contained shall affect the Rights of any Heritable Creditor holding a Power of Sale preferable to the Powers of the Trustee.

And to Arrestment and Poinding.

Diligence on or after Sixtieth Day before Sequestration, or after it, ineffectual.

C. The Sequestration shall, as at the Date thereof, be equivalent to an Arrestment in Execution and Decree of Forthcoming, and to an executed or completed Poinding; and no Arrestment or Poinding executed of the Funds or Effects of the Bankrupt on or after the *Sixtieth* Day prior to the Sequestration shall be effectual; and such Funds or Effects, or the Proceeds of such Effects, if sold, shall be made forthcoming to the Trustee: Provided, that any Arrester or Poinder before the Date of the Sequestration who shall

Expenses of Diligence.

be thus deprived of the Benefit of his Diligence shall have Preference out of such Funds or Effects for the Expense bonâ fide incurred by him in such Diligence.

Interruption of Prescription.

CI. The presenting of or concurring in a Petition for Sequestration, or the lodging a Claim in the Hands of the Trustee, or the Sheriff, or Preses at any Meeting of Creditors, shall interrupt Prescription of the Debt of the Creditor so petitioning, concurring, or claiming, and in regard to such Debt shall bar the Effect of any Statute of Limitations in England or Ireland, or other Her Majesty's Dominions, and although this Sequestration shall be recalled, such Interruption or Bar shall, notwithstanding, be effectual.

Preferences in case of a deceased Debtor.

CII. When the Sequestration of the Estates of a deceased Debtor is dated within *Seven* Months after his Death, any Preference or Security for any prior Debt acquired by legal Diligence on or after the Sixtieth Day before his Death, or subsequent to his Death, and any Preference or Security acquired for a prior Debt by any Act or Deed of the Debtor which has not been lawfully completed for a Period of more than *Sixty* Days before his Death, and any Confirmation as Executor-Creditor after the Debtor's Death, shall in these several Cases be of no Effect in competition with the Trustee; and the Estates and Effects over which such Preferences or Securities shall have been obtained, or of which Confirmation shall have been expede, shall belong to the Trustee: Provided, that the Creditor who is so deprived of the Benefit of his Diligence or Confirmation shall have Preference for Payment out of the said Estates or Effects of the Expenses bonâ fide incurred by him in such Diligence or Confirmation.

Acts and Payments by Bankrupt after Sequestration null, except in certain Cases.

CIII. All Payments and Preferences or Securities obtained by or granted to prior Creditors, and all Acts done or Deeds granted by the Bankrupt after the Date of the Sequestration and before his Discharge out of or in relation to the Estate (unless with the Consent of the Trustee), shall, in the event of Sequestration being awarded, be null and void; and the Trustee shall be entitled to such Preference or Security, and to any Money so paid, deducting any Expense bonâ fide incurred; but if a bonâ fide Purchaser is in possession of Moveable Effects received from the Bankrupt after Sequestration, but in Ignorance thereof, and when ignorant thereof for a Price paid, or which he is ready to pay, he shall not be obliged to restore the Effects; and if a Debtor, in Ignorance of the Sequestration, have paid his Debt bonâ fide to the Bankrupt, he shall not be obliged to pay it a Second Time to the Trustee; and if the Possessor of any Bill or Promissory Note, which is payable by the Bankrupt, with Recourse on

on other Parties, or of a Security for a Debt due by the Bankrupt, shall have received Payment of his Debt from the Bankrupt in Ignorance of the Sequestration, and given up such Bill, Promissory Note, or Security to the Bankrupt, such Person shall not be liable to repay to the Trustee the Amount so received, unless the Trustee shall replace him in the Situation in which he stood, or reimburse him for any Loss or Damage.

Realization of Heritable Estate.

Sale of Heritable Estate by Creditor.

CIV. A Creditor holding a Security over the Heritable Estate of the Bankrupt, preferable to the Right of the Trustee, with a Power to sell, may sell, in Terms of his Security, notwithstanding the Sequestration, and it shall be competent to the Trustee to concur therein in order to fortify the Title; and the Trustee or any posterior Heritable Creditor preferable to him may, by Petition to the Lord Ordinary or to the Sheriff, compel the said Creditor and the Purchaser to account for any Reversion of the Price.

Creditor infeft on Adjudication may sell.

CV. A Creditor who has been infeft for *Two* Years on a Decree of Adjudication, or Creditors who have been conjoined pari passu in such Decrees and have been infeft thereon for *Two* Years, whether the Estates of the Debtor have been sequestrated or not, shall have Power to sell the Lands or Heritages adjudged by him or them, irredeemably, in like Manner and under the same Provisions and Conditions as an Heritable Creditor, with a Power of Sale under the Act passed in the Tenth and Eleventh Year of the Reign of Her present Majesty, Chapter Fifty: Provided that he or they shall be liable to account to the Debtor or his Representatives for the Price received by him or them under such Sale, after Deduction of his or their Debts, Principal, Interest, Penalty, and Expenses, as specified in the said Act.

Sale by Trustee with Concurrence of Heritable Creditors.

Discharge of Burdens on Sale.

CVI. If a Creditor holding an Heritable Security, with a Power to sell, concur with the Trustee in bringing the Estate to Sale, the Trustee shall sell the same in his own Name, and the Articles of Roup and Conveyance to the Purchaser shall be executed by the Trustee, with Consent of such Creditor and the Commissioners; and the Price shall be paid by the Purchaser to the Parties legally entitled thereto, and in so far as not paid at the Time of the Delivery of the Conveyance, it shall be consigned in the Bank in which the Money of the sequestrated Estate is deposited; which Payment or Consignation of the Price shall free and discharge the Estate sold and the Purchaser from the Security of the consenting Creditor, whether the Debt in such Security be satisfied or not, and from all Securities postponed to the Security of such Creditor.

Sale by Trustee alone.

CVII. If the Creditors, at the Meeting held after the Examination of the Bankrupt, or at any other Meeting called for the Purpose, resolve that the Trustee shall dispose of the Heritable Estate by Public Sale or bring it to Judicial Sale, and if such Resolution has been made before an Heritable Creditor having a Power of Sale shall have commenced Proceedings for Sale, or if such Proceedings, after being commenced prior to the Date of such Resolution, have thereafter been unduly delayed, such Creditor shall not be entitled to interfere with the Sale by the Trustee; and if a Public Sale of the Heritable Estate be resolved on, such Sale shall be made by Auction at the Upset Price and in the Manner which shall be fixed by the Trustee, with Consent of the Commissioners.

Trustee may with Approval of Accountant sell by private Bargain.

CVIII. It shall be competent for the Trustee, with Concurrence of a Majority of the Creditors in Number and Value, and of the Heritable Creditors, if any, and of the Accountant to sell the Heritable Estate by private Bargain, on such Terms and Conditions regarding Price and otherwise, as the Trustee, with Concurrence of those Parties, may fix.

Trustee to make up a Scheme of Ranking and Division of Price.

CIX. It shall be the Duty of the Trustee to make up a Scheme of Ranking and Division of the Claims of the Heritable Creditors and other Creditors on the Price of the Heritable Estate sold; and such Scheme of Ranking and Division being brought before the Lord Ordinary or before either Division of the Court of Session, with a Report thereon by the Accountant in Bankruptcy, shall be disposed of in like Manner as a Scheme of Division prepared under a Ranking and Sale, any Interlocutor of the Lord Ordinary thereon being subject to Review in the usual Form; and the Judgment thereon shall be a Warrant for Payment out of the Price against the Purchaser of the Heritable Estate.

Court may grant Interim Warrant for Payment out of Price.

CX. It shall be competent for the Lord Ordinary or the Court, on Application by the Trustee or any Creditor interested, with a Report thereon by the Accountant in Bankruptcy, and on Cause shown, to grant an Interim Warrant for Payment of preferable Claims out of the Price of the Estate, or to authorize an Interim Scheme of Division out of the Price, which Scheme of Division shall be disposed of as the Scheme of Division already provided for.

Heritable Creditor's Right to poind the Ground limited.

CXI. No Poinding of the Ground which has not been carried into execution by Sale of the Effects *Sixty* Days before the Date of the Sequestration, and no Decree of Maills and Duties on which a Charge has not been given *Sixty* Days before the said Date, shall (except to the Extent herein-after provided) be available in any Question

Question with the Trustee: Provided, that no Creditor who holds a Security over the Heritable Estate preferable to the Right of the Trustee shall be prevented from executing a Poinding of the Ground, or obtaining a Decree of Maills and Duties after the Sequestration, but such Poinding or Decree shall, in competition with the Trustee, be available only for the Interest on the Debt for the current *half-yearly* Term, and for the Arrears of Interest for *One* Year immediately before the Commencement of such Term.

Landlord's Hypothec saved.

CXII. Nothing in this Act contained shall affect the Landlord's Right of Hypothec.

Creditors may purchase.

CXIII. When any Estate is sold by virtue of this Act, it shall be lawful for any Creditor to purchase the same; but the Trustee, or Commissioners, or Adjudger, selling as aforesaid, shall not be entitled to purchase.

Payment of Dividends.

Realized Estate to be a Fund of Division.

CXIV. The whole Estate, when reduced into Money, shall, after paying all necessary Charges and a Commission to the Trustee, be divided among those who were Creditors of the Bankrupt at the Date of the Sequestration, ranked according to their several Rights and Interests.

Workmen's Wages to be privileged.

CXV. The Wages of Manufacturing Workmen, and of Clerks and Shopmen and Servants employed by the Bankrupt, where such Wages do not exceed *Sixty Pounds* per Annum, shall be entitled to the same Privilege as the Wages of domestic Servants to the Extent of a *Month*'s Wages prior to the Date of Sequestration being awarded, or where Sequestration is not awarded prior to the Concourse of Diligence for Distribution of the Estate of a Party being Notour Bankrupt.

Creditor to produce Oath, &c. Two Months before Payment of First Dividend, and One Month before subsequent Dividends.

CXVI. To entitle any Creditor to the Payment of the First Dividend, he shall produce, as is herein-before directed, his Oath and Grounds of Debt at least *Two* Months before the Time fixed for Payment of the First Dividend, when such Time of Payment shall not have been accelerated, or *One* Month before the Time fixed for Payment of the First Dividend where such Time shall have been accelerated; and to entitle any Creditor to Payment of any of the subsequent Dividends, he shall produce, as aforesaid, his Oath and Grounds of Debt at least *One* Month before the Time fixed for Payment of the Dividend which he means to claim: Provided, that if a Creditor has not produced his Oath and Grounds of Debt in Time to share in the First Dividend, but has done so in Time to

share in the Second Dividend, he shall be entitled, on Occasion of Payment of the Second Dividend, to receive out of the first of the Fund (if there be sufficient for that Purpose) an equalising Dividend corresponding to the Dividend he would have drawn if he had claimed in Time for the First Dividend; and the same Rule shall apply as to all subsequent Dividends.

Creditors resident abroad may lodge Oath at later Periods.

CXVII. When any Creditor not resident within Great Britain or Ireland at the Date of the Deliverance awarding Sequestration, or at any Time within *Five* Months thereafter, shall lodge his Oath and Grounds of Debt *Fourteen* Days previous to any Time fixed for Payment of a Dividend, though not in Time to entitle such Creditor to participate in such Dividend, the Trustee shall make such Deduction from the divisible Fund as shall be equal to the Dividend which would have been payable to such Creditor had his Oath and Grounds of Debt been timeously lodged and his Claim been sustained; and the Sum so deducted shall form Part of the Fund for Division on the Occasion of Payment of the next Dividend.

Trustee to make up and exhibit to Commissioners State of Funds.

CXVIII. Immediately on the Expiration of *Five* Months from the Date of the Deliverance actually awarding Sequestration, the Trustee shall proceed to make up a State of the whole Estate of the Bankrupt, of the Funds recovered by him, and of the Property outstanding (specifying the Cause why it has not been recovered), and also an Account of his Intromissions, and generally of his Management; and within *Fourteen* Days after the Expiration of the said *Five* Months the Commissioners shall meet and examine such State and Account and ascertain whether the Trustee has lodged the Moneys recovered by him in Bank or not, and if he has failed to do so they shall debit him with a Sum at the Rate of *Twenty* Pounds on every *Hundred* Pounds not so lodged, and so after that Rate on any larger or smaller Sum, being not less than *Fifty* Pounds; and they shall audit his Accounts, and settle the Amount of his Commission, and authorize him to take Credit for such Commission in his Accounts with the Estate; and they shall certify, by a Writing under their Hands engrossed or copied in the Sederunt Book, the Balance due to or by the Trustee in his Account with the Estate as at the Expiration of the said *Five* Months; and they shall declare whether any and what Part of the net Produce of the Estate, after making a reasonable Deduction for future Contingencies, shall be divided among the Creditors.

Commissioners to resolve as to Payment of Dividend: &c.

Trustee to examine and reject or admit Claims,

CXIX. The Trustee shall also within the said *Fourteen* Days examine the Oaths and Grounds of Debt, and in Writing reject or admit them, or require further Evidence in support thereof, for which Purpose

Purpose he may examine the Bankrupt, Creditor, or any other Party on Oath relative thereto; and in case he shall reject any Claim, he shall in his Deliverance state the Grounds of such Rejection; and he shall complete the List of the Creditors entitled to draw a Dividend, specifying the Amount of their Debts, with Interest thereon to the Date of the Sequestration, and distinguishing whether they are ordinary Creditors or preferable or contingent, and he shall make up a separate List of any Creditors whose Claims he has rejected in whole or in part.

and make up List of Creditors entitled to Payment of Dividend;

CXX. The Trustee shall give Notice in the Gazette published next after Expiration of such *Fourteen* Days, of the Time and Place of the Payment of the Dividend, and also notify the same by Letters put into the Post Office on or before the First lawful Day after the said *Fourteen* Days, addressed to each Creditor, in which he shall specify the Amount of the Claim and proposed Dividend thereon, and when he has rejected any Claim he shall notify the same to the Claimant by Letter as aforesaid, which Letter shall also contain a Copy of his Deliverance, and specify the Amount of the Claim, and the Dividend to which the rejected Claimant would be entitled if not rejected, or as near to the Amount thereof as Circumstances will permit; and a Certificate by the Trustee or an Execution by a Messenger or Sheriff Officer that such Letters have been put into the Post Office shall be sufficient Evidence thereof; and if any Creditor be dissatisfied with the Decision of the Trustee, he may appeal by a short written Note to the Lord Ordinary or to the Sheriff; but if no such Note be lodged with and marked by the Bill Chamber or Sheriff Clerk (as the Case may be) before the Expiration of *Fifteen* Days from the Date of the Publication in the Gazette of the said Notice, the Decision of the Trustee shall be final and conclusive so far as regards that Dividend; and in case the Claim have been rejected, such Decision shall be without Prejudice to any new Claim being afterwards made in reference to future Dividends, but which new Claim shall not disturb prior Dividends.

And to publish and send Notices of Payment of Dividend

Creditors may appeal within a limited Period.

CXXI. The Trustee shall, before the Expiration of *Six* Months from the Date of the Sequestration, make up a Scheme of Division of the Fund directed by the Commissioners to be divided, and apportion the same, according to their respective Rights, among those Creditors whose Claims have been sustained by him or by the Lord Ordinary or Sheriff, or who shall have appealed against his Decision, and which Scheme shall be patent to all concerned.

Trustee to make up a Scheme of Division.

CXXII. On the First lawful Day after the Expiration of *Six* Months from the Date of the Sequestration, and at the Place appointed,

Dividends to be paid, and those disputed or

claimed by contingent Creditors to be lodged in Bank.

pointed, the Trustee shall pay to the Creditors the Dividends allotted to them respectively in Terms of the said Scheme; and he shall lodge the Dividends apportioned to those Claims which are under Appeal, but not finally determined, and the Dividends effeiring to contingent Creditors or other Claimants, not then entitled to uplift the same, in the Bank appointed by the Creditors, or failing such Appointment, in any Joint Stock Bank of Issue in Scotland in a separate Account, or if the Money be deposited in Bank, he shall transfer it to a separate Account in Name of himself and the Commissioners, to remain therein until the said Appeals be disposed of or the Dividends become payable.

Second Dividend.

Trustee to make up State, &c., and Commissioners to resolve as in case of First Dividend.

CXXIII. On the Expiration of *Eight* Months from the Date of the Sequestration, the Trustee shall again make up a State as herein-before provided, which he shall within *Fourteen* Days after the Expiration of the said *Eight* Months exhibit to the Commissioners, who shall meet and examine and audit the same, and perform the other Acts and Duties incumbent on them, in manner before specified, and direct a Second Dividend to be paid, if there shall be Funds to pay the same; and if the Commissioners shall direct a Dividend to be paid, the Trustee shall also make up Lists of the Creditors who are entitled and who are not entitled to Payment of the Dividend, and frame a Scheme of Division, and notify in the Gazette and by Letters, and any Creditor may appeal, all as is herein-before provided with respect to the First Dividend: Provided that no Appeal by a Creditor shall be competent unless the Note of Appeal be lodged within *Fifteen* Days of the Date of Notification in the Gazette.

Dividend to be paid.

CXXIV. On the First lawful Day after the Expiration of *Nine Months* from the Date of Sequestration being awarded, the Trustee shall make Payment of the Second Dividend to those Creditors who are entitled thereto, and shall lodge the Dividends disputed or not then payable, all as herein-before provided with respect to the First Dividend.

Subsequent Dividends.

Same Proceedings as in prior Dividends.

CXXV. The like Procedure shall be followed out as to subsequent Dividends at similar Intervals of Time thereafter, in order that a Dividend may be made on the First lawful Day after the Expiration of every *Three Months* from the Day of Payment of the immediately preceding Dividend, until the whole Funds of the Bankrupt shall be divided.

Dividends may be accelerated in

CXXVI. After the Second Dividend is made, a Majority of the Creditors, at any General Meeting called for the Purpose, may determine

determine that future Dividends shall be made at shorter Intervals, and the Affairs of the Estate brought to a more speedy Close; and even before the Period assigned for the First Dividend as aforesaid, it shall be competent to *Three Fourths* in Number and Value of the Creditors present at the Meeting after the Bankrupt's Examination, or at any subsequent Meeting called for the Purpose, to direct the Trustee to apply to the Lord Ordinary or the Sheriff for Authority to make the First Dividend at an earlier Period than the Expiration of *Six Months* from the Date of the Sequestration, but not earlier than *Four* Months from such Date, if upon Cause shown it shall be found expedient so to do, and also to accelerate the Time for making the second and other Dividends; and when the Lord Ordinary or the Sheriff shall, upon such Application, accelerate the first or any subsequent Dividend, he shall also make the requisite Provision for the Acceleration of any other Matters which he may find it necessary to accelerate in consequence thereof. certain Cases.

CXXVII. If it shall appear to the Commissioners that a Dividend ought to be postponed, they may do so till the Recurrence of another stated Period for making a Dividend, and they shall authorize the Trustee to give a Notice to that Effect in the next Edinburgh Gazette. Proceedings when Commissioners postpone the Dividend.

CXXVIII. In Cases where the sequestrated Estate consists chiefly of Land, and in any other Cases where it may be necessary, it shall be competent for the Court of Session, on a special Application by the Trustee and Commissioners, sanctioned by a Report from the Accountant, to authorize such Alteration in the Periods above mentioned for Payment of Dividends as shall be found most suitable to the Circumstances of the Case. Where Estate is chiefly Land Periods of Payment may be altered.

CXXIX. If on the Lapse of *Twelve* Months from the Date of Sequestration it shall appear to the Trustee and Commissioners expedient to sell the Heritable or Moveable Estates not disposed of, and any Interest which the Creditors have in the outstanding Debts and consigned Dividends, they shall fix a Day for holding a Meeting of the Creditors to take the same into consideration; and the Trustee, besides advertising the same in the Gazette, shall, *Fourteen* Days before the Day appointed, send by Post to each Creditor claiming on the Estate a Notice of the Time and Place of the Meeting, with a Valuation of the Estates and a List of the outstanding Debts and of the consigned Dividends; and if *Three Fourths* of the Creditors at the Meeting shall decide in favour of a Sale, in whole or in Lots, the Trustee shall cause the Estates, Debts, and Dividends to be sold by Auction, after Notice thereof published at least *One Month* previous Winding up of Estate.

previous to the Sale, once in the Gazette, and in such other Newspapers as the Creditors at the Meeting shall appoint.

Discharge of Bankrupt.

1st. On Composition.

Offer of Composition may be made at the Meeting for Election of Trustee.

CXXX. At the Meeting for Election of Trustee the Bankrupt or his Friends, or, in case of his Decease, his Successors, and in case of a Company, One or more of the Partners thereof, may offer a Composition to the Creditors on the whole Debts, with Security for Payment of the same; and if the Majority of the Creditors in Number and *Nine Tenths* in Value present at such Meeting shall resolve that the Offer and Security shall be entertained for Consideration, the Trustee shall forthwith advertise in the Gazette a Notice that an Offer of Composition has been so made and entertained, and that it will be decided upon at the Meeting to be held after the Examination of the Bankrupt, and shall specify the Hour, Day, and Place, and also transmit by Post Letters to each of the Creditors claiming on the Estate, or mentioned in the Bankrupt's State of Affairs, containing a Notice of such Resolution, and of the Day and Hour at which, and the Place where, such Meeting is to be held, and specifying the Offer and Security proposed, and giving an Abstract of the State of the Affairs and of the Valuation of the Estate, so far as the same can be done, to enable the Creditors to judge of such Offer and Security.

Offer, if entertained, to be disposed of at the Meeting after the Bankrupt's Examination.

CXXXI. If at the Meeting held after the Examination of the Bankrupt a Majority in Number and *Nine Tenths* in Value of the Creditors there assembled shall accept such Offer and Security, a Bond of Caution for Payment of the Composition, executed by the Bankrupt or his Successors, or the Partners of a Company (as the Case may be), and the proposed Cautioner, shall be forthwith lodged in the Hands of the Trustee; and the Trustee shall thereupon subscribe and transmit a Report of the Resolution of the Meeting, with the said Bond, to the Bill Chamber Clerk or Sheriff Clerk, in order that the Approval of the Lord Ordinary or Sheriff (whichever may be selected by the Trustee) may be obtained thereto; and if the Lord Ordinary or the Sheriff, after hearing any Objections by Creditors, shall find that the Offer, with the Security, has been duly made, and is reasonable, and has been assented to by a Majority in Number and *Nine Tenths* in Value of all the Creditors assembled at the said Meeting, he shall pronounce a Deliverance approving thereof: Provided that he shall hear any Objection by opposing Creditors; and if he shall refuse to sustain the Offer or reject the Vote of any Creditor, he shall specify the Grounds of Refusal or Rejection.

Lord Ordinary or Sheriff to approve.

CXXXII. In

Offer of Composition may also be made at Meeting after Bankrupt's Examination.

CXXXII. In like Manner, at the Meeting held after the Examination of the Bankrupt, or at any subsequent Meeting called for the Purpose by the Trustee, with the Consent of the Commissioners, the Bankrupt, or his Friends, or in case of his Decease his Successors, or any of them, and in the Case of a Company One or more of the Partners thereof, may offer a Composition to the Creditors on the whole Debts, with Security for Payment of the same; and if a Majority in Number and *Four Fifths* in Value of the Creditors present shall resolve that the Offer and Security shall be entertained for Consideration, the Trustee shall call another Meeting to be held at a specified Hour on a specified Day, being not less than *Twenty-one* Days thereafter, and at a specified Place, and shall, *Seven* Days at least before such other Meeting, send by Post Letters addressed to each of the Creditors who have claimed on the Estate or are mentioned in the Bankrupt's State of Affairs, which Letter shall contain a Notice of such Resolution, and of the Hour, Day, and Place, and Purpose of the Meeting, and specify the Offer and Security proposed, and give an Abstract of the State of the Affairs and Valuation of the Estate, so far as can be done, to enable the Creditors to judge of such Offer; and if at the Meeting so called a Majority in Number and *Four Fifths* in Value of the Creditors present shall accept the said Offer and Security, a Bond of Caution shall be lodged and a Report made, and a Deliverance pronounced, all in the same Manner and to the same Effect as is herein-before provided.

Bankrupt on making Declaration or Oath to obtain his Discharge.

CXXXIII. On such Deliverance being pronounced, approving of the Composition in either of the Cases above specified, the Bankrupt, or if deceased his Successor or other Party offering the Composition, shall make a Declaration, or if required by the Trustee or any Creditor, an Oath, before the Lord Ordinary or the Sheriff (as the Case may be), that he has made a full and fair Surrender of his Estate, and has not granted or promised any Preference or Security, or made or promised any Payment, or entered into any secret or collusive Agreement or Transaction, to obtain the Concurrence of any Creditor to such Offer and Security; and if the Bankrupt shall be at the Time beyond the Jurisdiction of the Lord Ordinary or Sheriff, or is by a lawful Cause prevented from appearing before the Lord Ordinary or Sheriff, Commission may be granted to any fit Person to take such Declaration or Oath; and the Lord Ordinary or the Sheriff (as the Case may be), on being satisfied with such Oath or Declaration, shall pronounce a Deliverance discharging the Bankrupt of all Debts and Obligations contracted by him, or for which he was liable at the Date of the Sequestration, and shall declare the Sequestration to be at an end, and the Bankrupt re-invested in his Estate (reserving always the Claims of the Creditors for the

said Composition against him and the Cautioner); and the Bond of Caution shall be recorded in the Books of the Court of Session, or, when such Deliverance is pronounced by the Sheriff, in the Books of the Sheriff Court; and an Extract of such Deliverance, signed by the Clerk of the Bill Chamber, or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, who shall preserve the same, with the Copy of the Proceedings in the Sequestration transmitted to him, as herein provided; and the Clerk of the Bill Chamber or the Sheriff Clerk shall also transmit an Abbreviate of such Deliverance to the Keeper of the Register of Inhibitions, who shall enter the same in the said Register; and such Deliverance of the Lord Ordinary or of the Sheriff shall operate as a complete Discharge and Acquittance to the Bankrupt in Terms thereof, and shall receive Effect within Great Britain and Ireland and Her Majesty's other Dominions, and an Entry thereof shall be made by the Accountant in the Register of Sequestrations.

Trustee's Accounts to be audited before the Composition be approved of.

CXXXIV. Before the Lord Ordinary or the Sheriff shall pronounce the Deliverance approving of the Composition, the Commissioners shall audit the Accounts of the Trustee, and ascertain the Balance due to or by him, and fix the Remuneration for his Trouble, subject to the Review of the Lord Ordinary or the Sheriff, if complained of by the Trustee, the Bankrupt, or any of the Creditors; and the Expense attending the Sequestration and such Remuneration shall be paid or provided for to the Satisfaction of the Trustee and Commissioners before such Deliverance is pronounced.

Sequestration to go on, notwithstanding Offer of Composition.

CXXXV. Notwithstanding such Offer of Composition and Proceeding consequent thereon the Sequestration shall continue, and the Trustee shall proceed in the Execution of his Duty as if no such Offer had been made, until the Deliverance by the Lord Ordinary or the Sheriff be pronounced, when the Sequestration shall cease and be at an end, and the Trustee be exonered and discharged: Provided nevertheless, that the Trustee and his Cautioner shall be liable, on Petition to the Lord Ordinary or Sheriff by the Bankrupt or his Cautioner for the Composition, to account for his Intromissions and other Acts as Trustee.

Bankrupt and Cautioner not to be entitled to object to certain Debts.

CXXXVI. Neither the Bankrupt, nor his Successor offering the Composition, nor the Cautioner for the Composition, shall be entitled to object to any Debt which the Bankrupt has given up in the State of his Affairs as due by him, or admitted without Question to be reckoned in the Acceptance of the Offer of Composition, nor to object to any Security held by any Creditor, unless in the Offer of Composition

position such Debt or Security shall be stated as objected to, and Notice in Writing given to the Creditor in right thereof.

Claims against Cautioner limited in certain Cases to Two Years.

CXXXVII. No Person who has not produced an Oath as a Creditor before the Date of the Deliverance approving of the Composition, shall be entitled to make any Demand against the Cautioner after the Space of *Two Years* from the Date of such Deliverance, reserving to such Creditor his Claim for the Composition against the Bankrupt and his Estate.

If Offer of Composition rejected, no other to be entertained, unless Nine Tenths of Creditors ranked shall agree.

CXXXVIII. If an Offer of Composition have been made and rejected, or have become ineffectual, no other Offer of Composition shall be entertained unless *Nine Tenths* in Number and Value of all the Creditors ranked on the Estate shall assent in Writing to such Offer, which Offer shall state the Amount of Composition and the Terms of Payment, and be subscribed by the Cautioner proposed, in which Case a Meeting shall be called in manner before directed by the Trustee for finally disposing of the same; and if at the Meeting so called a Majority in Number and *Nine Tenths* in Value of the Creditors present shall accept such Offer and Security, and the same shall be assented to by *Nine Tenths* in Value of all the Creditors who have produced Oaths as aforesaid, a Bond of Caution shall be lodged and a Report made, and Deliverances pronounced, and the other Proceedings shall take place and have effect in the same Manner as is herein-before provided for other Offers of Composition.

2d. Without Composition.

Proceedings for this Purpose.

May be discharged with Consent of Creditors.

CXXXIX. The Bankrupt may at any Time after the Meeting held after his Examination petition the Lord Ordinary or the Sheriff to be finally discharged of all Debts contracted by him before the Date of the Sequestration, provided that every Creditor who has produced his Oath as aforesaid shall concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of *Six Months* from the Date of the Sequestration, provided a Majority in Number and *Four Fifths* in Value of the Creditors who have produced Oaths concur in the Petition, and the Bankrupt may also present such Petition on the Expiration of *Twelve Months* from the Date of the Sequestration, provided a Majority in Number and *Two Thirds* in Value of the Creditors concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of *Eighteen Months* from the Date of the Sequestration, provided a Majority in Number and Value concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of *Two Years* from the Date of the Sequestration without any Consents of Creditors; and the Lord Ordinary or the Sheriff, as the Case may be, shall in each of

After Two Years may be discharged without Consent.

of the Cases aforesaid order the Petition to be intimated in the Gazette and to each Creditor; and if, at the Distance of not less than *Twenty-one* Days from the Publication of such Intimation, and on Evidence being produced of Concurrence as aforesaid, there be no Appearance to oppose the same, the Lord Ordinary, or the Sheriff, as the Case may be, shall pronounce a Deliverance finding the Bankrupt entitled to a Discharge; but if Appearance be made by any of the Creditors or by the Trustee, the Lord Ordinary or the Sheriff, as the Case may be, shall judge of any Objections against granting the Discharge, and shall either find the Bankrupt entitled to his Discharge, or refuse the Discharge, or defer the Consideration of the same for such Period as he may think proper, and may annex such Conditions thereto as the Justice of the Case may require: Provided, that it shall not be competent for the Bankrupt to present a Petition for his Discharge, or to obtain any Consent of any Creditor to such Discharge, until the Trustee shall have prepared a Report with regard to the Conduct of the Bankrupt, and as to how far he has complied with the Provisions of this Act, and, in particular, whether the Bankrupt has made a fair Discovery and Surrender of his Estate, and whether he has attended the Diets of Examination, and whether he has been guilty of any Collusion, and whether his Bankruptcy has arisen from innocent Misfortunes or Losses in Business, or from culpable or undue Conduct; and such Report may be prepared by the Trustee, upon the Requisition of the Bankrupt, at any Time after the Bankrupt's Examination, but shall not be demandable from the Trustee till the Expiration of *Five Months* from the Date of the Sequestration; and such Report shall be produced in the Proceedings for the Bankrupt's Discharge, and shall be referred to by its Date, or by other direct Reference, in any Consent to his Discharge.

Bankrupt to make a Declaration or Oath before obtaining Discharge.

CXL. If the Bankrupt shall be found entitled to his Discharge he shall make a Declaration, or if required by the Trustee or any Creditor, an Oath, before the Lord Ordinary or Sheriff, that he has made a full and fair Surrender of his Estate, and has not granted or promised any Preference or Security, nor made or promised any Payment, nor entered into any secret or collusive Agreement or Transaction, to obtain the Concurrence of any Creditor to his Discharge; and if the Bankrupt shall be at the Time beyond the Jurisdiction of the Lord Ordinary or Sheriff, or is by lawful Cause prevented from coming before the Lord Ordinary or Sheriff, Commission may be granted to any fit Person to take such Declaration or Oath; and the Lord Ordinary or the Sheriff, as the Case may be, on being satisfied with such Declaration or Oath, shall pronounce a Deliverance discharging the Bankrupt of all Debts and Obligations contracted by him or for which he was liable at the Date of the

the Sequestration; and when the Deliverance discharging the Bankrupt is pronounced by the Lord Ordinary or Sheriff, an Extract thereof, signed by the Clerk of the Bills or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, who shall preserve the same with the Copy of the Proceedings in the Sequestration transmitted to him, and another Extract thereof, signed as aforesaid, shall be transmitted to the Keeper of the Register of Inhibitions, who shall enter the same in the said Register; and such Deliverance by the Lord Ordinary or the Sheriff shall operate as a complete Discharge and Acquittance to the Bankrupt in Terms thereof, and shall receive effect within Great Britain and Ireland and all Her Majesty's other Dominions; and an Entry thereof shall be made by the Accountant in the Register of Sequestrations.

Preferences and Collusions for procuring Discharge to be void.

Preferences, Payments, and collusive Agreements for Discharge to be void.

CXLI. All Preferences, Gratuities, Securities, Payments, or other Consideration not sanctioned by this Act, granted, made, or promised, and all secret or collusive Agreements and Transactions, for concurring in, facilitating, or obtaining the Bankrupt's Discharge, either on or without an Offer of Composition, and whether the Offer be accepted or not, or the Discharge granted or not, shall be null and void; and if during the Sequestration any Creditor shall have obtained any such Preference, Gratuity, Security, Payment, or other Consideration or Promise thereof, or entered into such secret or collusive Consideration or Agreement or Transaction, the Trustee shall be entitled to retain his Dividend, and he or any Creditor ranked on the Estate may present a Petition to the Lord Ordinary or to the Sheriff, praying that such Creditor shall be found to have forfeited his Debt, and be ordained to pay to the Trustee *double* the Amount of the Preference, Gratuity, Security, Payment, or other Consideration given, made, or promised, and if no Cause be shown to the contrary, Decree shall be pronounced accordingly; and the Sums which in such Case may be recovered shall, under Deduction of the Expenses of recovering the same, be distributed by the Trustee among the other Creditors under the Sequestration; and if the Sequestration shall have been closed, it shall be competent to any Creditor who shall not have received full Payment of his Debt to raise a Multiplepoinding in Name of the Person who has obtained such Preference, Gratuity, Security, Payment, or other Consideration or Promise as aforesaid, and on the Value of the Preference, Gratuity, or Security, or Amount of the Sum paid or Consideration obtained, being ascertained, *double* such Value or Amount, together with the Amount of the Debt of the colluding Creditor, shall be ordered to be consigned by him, and shall be divided among the Creditors who were ranked or

were entitled to be ranked in the Sequestration, and have not received full Payment of their Debts, and who shall lodge Claims in such Multiplepoinding, according to their respective Rights and Interests: and such Multiplepoinding shall be executed in Terms of Law against the colluding Creditor, and Notice thereof at the same Time be inserted in the Gazette; and in the event of there being any Surplus, after paying the full Debts of the Creditors, and defraying the Expenses of the Sequestration or other Proceeding, the same shall be paid into the Account of Unclaimed Dividends, as herein-after provided.

Bankrupt to forfeit Privileges, if participant in giving such Preferences, &c.

CXLII If the Bankrupt shall have been personally concerned in or cognizant of the granting, giving, or promising any Preference, Gratuity, Security, Payment, or other Consideration, or in any secret or collusive Agreement or Transaction as aforesaid, he shall forfeit all Right to a Discharge and all Benefits under this Act, and such Discharge, if granted, either on or without an Offer of Composition, shall be annulled; and the Trustee or any One or more of the Creditors may apply by Petition to the Lord Ordinary to have such Discharge annulled accordingly.

Trustee's Discharge.

Proceedings for this Purpose.

CXLIII. After a final Division of the Funds, the Trustee shall call a Meeting of the Creditors, by an Advertisement in the Gazette, to be held not sooner than *Twenty-one Days* after such Publication, specifying the Time, Place, and Purpose of holding the Meeting, and by Letters addressed by Post to every Creditor who has produced an Oath as aforesaid, to consider as to an Application for his Discharge, and at such Meeting he shall lay before the Creditors the Sederunt Book and Accounts, with a List of unclaimed Dividends, and the Creditors may then declare their Opinion of his Conduct as Trustee, and he may thereafter apply to the Lord Ordinary or the Sheriff, who, on advising the Petition, with the Minutes of the Meeting, and hearing any Creditor, may pronounce or refuse Decree of Exoneration and Discharge; and an Extract of such Decree, signed by the Clerk of the Bill Chamber or the Sheriff Clerk, shall forthwith be transmitted to the Accountant in Bankruptcy, and shall be entered in the Register of Sequestrations, and the Bond of Caution for the Trustee delivered up.

Trustees to lodge unclaimed Dividends, &c. in Bank.

CXLIV. Every Trustee in any Sequestration shall, before his Discharge, transmit the Sederunt Book to the Accountant who shall thereupon direct the Trustee to depositthe unclaimed Dividends in the same Bank in which Money received by him was lodged under the Provisions of this Act; and the Trustee shall forthwith transfer the whole Dividends not then claimed

claimed to such Bank, to be there entered in an Account to be kept under the Title of "Account of Unclaimed Dividends;" and a Book or Books shall be kept in the Office of the Accountant, to be entitled "The Register of Unclaimed Dividends," containing a List, with the Names arranged alphabetically, of all the Creditors entitled to such unclaimed Dividends, and in what Bank deposited, which shall be patent to all Persons; and after the Discharge of the Trustee it shall be competent to any Person, producing Evidence of his Right, to apply to the Lord Ordinary for Authority to receive such Dividends, and on the Lord Ordinary being satisfied of the Claimant's Right, a Warrant shall be granted for Payment of such Dividend, whereof the Accountant shall make an Entry in the said Register, and upon such Warrant the Bank shall pay the same: Provided that the Claimant shall not be entitled to Interest on such Dividend, but such Interest shall go into a general Fund, of which an Account shall be kept by such Bank, to be called "The Interest Account of Unclaimed Dividends," and which Fund shall be applied in such Manner as shall be regulated by any Act of Parliament; and if at the End of *Twenty-five Years* from the Date of closing any Sequestration there shall remain in the Bank any unclaimed Dividends belonging to the Estate, the same shall be vested in Government Stock, and the Dividends thereon shall be regularly accumulated for the Purpose of forming a Fund for defraying the Expense of Proceedings in Bankruptcy or otherwise, as Parliament shall hereafter direct; and such Bank shall once yearly at least balance the said Accounts, and accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest as Principal; and if any such Bank fail to do so, such Bank shall be liable to account as if such Money had been so accumulated.

Claimants showing Right to apply to Lord Ordinary for Authority to receive Dividends.

Interest Account of unclaimed Dividends.

CXLV. All Accounts for Law Business incurred by the Trustee shall before Payment thereof by the Trustee be submitted for Taxation to the Auditor of the Court of Session, or to the Auditor of the Sheriff Court of the County in which the Sequestration was carried on, as may be directed by a General Meeting of the Creditors.

Law Accounts to be taxed.

CXLVI. Any Surplus of the Bankrupt's Estate and Effects that may remain after Payment of his Debts, with Interest, and the Charges of recovering and distributing the Estate, shall be paid to the Bankrupt, or to his Successors or Assignees.

Surplus to be paid to Bankrupt.

Accountant in Bankruptcy.

CXLVII. It shall be lawful for Her Majesty, and Her Heirs and Successors, to appoint a Person versant in Law and Accounts, to be called

Appointment of Accountant

in Bankruptcy.

called "The Accountant in Bankruptcy," for performing the Duties of that Office, with such yearly Salary, not exceeding per Annum, payable quarterly out of , and with such Accommodation of Office Rooms, or reasonable Allowance for the same out of the said Fund, as may be fixed by the Commissioners of Her Majesty's Treasury, and the Accountant shall be allowed Clerks; whom he shall appoint, with a Salary not exceeding yearly, which Salaries shall be paid quarterly out of ; and the Accountant shall hold no other Office appointed to by Government, and shall not, directly or indirectly, by himself or any Partner, be engaged in Practice before the Supreme or any inferior Court, and he shall not, directly or indirectly, have any Management of or Intromission with any Money of any Bankrupt Estate under Charge of the Court of Session or of any Sheriff Court, or constituting the Fund in any Process of Sequestration.

Accountant to keep Register of Sequestrations.

CXLVIII. The Accountant shall keep a Book, entitled "The Register of Sequestrations," in the general Form of Schedule (G.) hereunto annexed, but with such additional Heads as he may find necessary, which Book shall be patent to all concerned, and he shall regularly enter therein the Division of the Court to which any Sequestration awarded in the Court of Session is appropriated, or the Sheriff awarding Sequestration and the Sheriff to whom the Sequestration is remitted, the Date of the First Deliverance on every Petition of Sequestration, whether in the Court of Session or Sheriff Court, the Name and Designation of the Debtor, the Place and County of his Residence, Dwelling House, or Place of Business, and the Name and Designation of the petitioning or concurring Creditor, the Date of awarding or recalling Sequestration, the Date of Transmission to the Sheriff (if it has not been awarded by him), the Time and Place appointed for the Election of the Trustee and Commissioners, the Name and Designation of the Trustee and Commissioners, and the Time for lodging Claims in order to obtain Payment of the First Dividend, the Bankrupt's Discharge on Composition or otherwise, and the Trustee's Discharge, with such other Particulars as he may think necessary, for which Purpose the Clerks of the Bill Chamber and the Sheriff Clerk of each County shall transmit forthwith to the Accountant a certified Copy of the First Deliverance in Sequestrations awarded in the Court of Session and Sheriff Courts respectively, and the Sheriff Clerk of each County shall at the End of every Period of *Three Months* transmit to the Accountant regularly a certified Copy of the Proceedings in each Sequestration during the said Period.

CXLIX. Each

Trustee to make an annual Return to Sheriff Clerk, and the Sheriff Clerk to the Accountant.

CXLIX. Each Trustee shall, within *Fourteen* Days after the Thirty-first Day of October in each Year, or on the first lawful Day after Expiry of the said *Fourteen* Days, deliver, free of Expense, to the Sheriff Clerk of the County, a Return in the Form of the Schedule (H.) hereunto annexed, of every Sequestration in which he is Trustee; and the Sheriff Clerk shall, within *Fourteen* Days thereafter, transmit, in the Form of the said Schedule, to the Accountant, a Return of all the Sequestrations depending in the Sheriffdom whereof he is Clerk; and the Accountant shall cause the Returns so made to be regularly bound up and preserved, according to the alphabetical Order of Counties, in a Volume to be kept at all Times in his Office, with an Index thereto, framed by him, and which Volume shall be patent to all concerned; and any Trustee who shall fail to make such Return shall be removable from his Office at the Instance of any One Creditor, or of the Accountant, or subject to such Censure as the Lord Ordinary may think suitable, and be found liable in Expenses.

Accountant in Bankruptcy to superintend Trustee and Commissioners;

CL. The Accountant shall take cognizance of the Conduct of all Trustees and Commissioners in Sequestrations, and in the event of their not faithfully performing their Duties, and duly observing all Rules and Regulations imposed on them by Statute, Act of Sederunt, or otherwise relative to the Performance of those Duties, he shall report thereon to the Lord Ordinary in Time of Vacation, or during Time of Session to either Division of the Court of Session, who, after hearing such Trustees or Commissioners thereon, and investigating the whole Matter, shall decide, and shall have Power to censure such Trustees or Commissioners, or remove them from their Office, or otherwise to deal with them as the Justice of the Case may require.

and Returns.

CLI. The Accountant shall superintend the annual Returns required by this Act from Trustees, and frame an annual Report to the Court of Session showing the State of each depending Sequestration returned to him, which Report may be published in the Gazette or otherwise as the Court shall direct; and the Accountant shall have Power, on the Application of One or more of the Creditors, or of his own Accord, to require Exhibition of the Sederunt Book in any Sequestration, and of any Vouchers or Documents which he may think necessary, and to direct that a Meeting of the Creditors shall be called to take any Measures under Consideration which he may judge requisite for the Preservation or due Management of the Estate or more speedy realizing and Division of the Funds or winding up of the Estate.

Annual State to be authenticated by him.

CLII. In every Sequestration there shall be prepared annually by the Trustee, and authenticated by the Accountant, a short Statement of the Proceedings in the Sequestration during the preceding Year, setting forth whether there has been a Dividend, and if there has been none explaining the Reason; which Statement shall be inserted *annually* in the Gazette; and such Statement, and the said Publication thereof, shall not be dispensed with unless by Leave of the Lord Ordinary, given on Application by the Accountant, and on Cause shown.

To report Disobedience.

CLIII. The Accountant shall at all Times, when requisite, report to the Lord Ordinary or either Division of the Court any Disobedience by the Trustee or Commissioners of any Requisition or Order by him, and generally any Matter which he may deem it necessary for the due Discharge of his Office to bring before the Lord Ordinary or the Court, and it shall be competent for the Lord Ordinary or the Court to deal summarily with the Matter reported, as accords of Law.

To give information to Lord Advocate.

CLIV. If the Accountant shall possess Information that shall lead him, on reasonable Grounds, to suspect Malversation or Misconduct on the Part of the Trustee or Commissioners, such as may infer Punishment, he shall be entitled to give Information to Her Majesty's Advocate, who shall direct such Inquiry and take such Proceedings therein as he shall think proper.

Judicial Power for winding up the Estates of Parties deceased.

Application for Judicial Factor on Estates of Persons deceased.

CLV. It shall be competent to One or more Creditors of Parties deceased to the Amount of *One hundred Pounds*, or to Persons having an Interest in the Succession of such Parties, in the event of the Deceased having left no Settlement appointing Trustees or other Parties having Power to manage his Estate or Part thereof, or in the event of such Parties not accepting or acting, to apply by summary Petition to either Division of the Court for the Appointment of a Judicial Factor, whom the Court, after due Intimation of the Petition to all Creditors of the Deceased, and other Persons interested in his Estate, and Service upon them, so far as they can be discovered, and after hearing Parties, may appoint, subject to such Conditions as to Caution, and such other Conditions as the Court may provide by Act of Sederunt; and such Factor shall manage the Estate, recover Debts due to it, realize the Moveable Effects by Public or Private Sale, as may be most expedient, dispose of the Heritable Estate by Public Sale or Private Bargain, according to such Directions as the Court, on Report of the Accountant, may give, and shall apply the free Proceeds, after defraying all Expenses

in

in Payment of the Claims of Creditors according to their several Rights and Preferences, conformably to a State of Funds and Scheme of Division to be prepared by him, and considered and approved of by the Court, on a Report by the Accountant; and thereafter the Factor shall account for the Residue, if any, after Payment of Debts and Expenses, to the Parties having a Right to the Deceased's Succession: Provided that the Accountant shall regularly examine the Proceedings, Intromissions, and Accounts of such Factor, and report to the Court thereon, from Time to Time, as he may deem expedient, and shall generally exercise the like Powers and discharge the same Duties with regard to him as he is empowered and required to exercise and discharge with regard to a Trustee under a Sequestration, but subject always to the Control of the Lord Ordinary or the Court.

Judicial Factor's Duties to be regulated by Act of Sederunt.

CLVI. The Court shall regulate by Act of Sederunt the Caution to be found by such Factor, the Mode in which he shall proceed in realizing and dividing the Funds, and otherwise in the Discharge of his Duties, and any other Matter which they may deem necessary.

Application of Trustees on Estate of deceased Parties for Supervision of Accountant.

CLVII. If a Party deceased has left a Settlement, appointing Trustees or other Parties having Power to manage his Estate as aforesaid, it shall nevertheless be competent for the Trustees under the Settlement, with or without Concurrence of the Creditors of the Deceased and of the Persons interested in his Succession, to apply in like Manner to the Court, and obtain from them an Order on the Accountant to superintend the Administration of the Estate, in which Case he shall exercise the like Powers and discharge the like Duties, under the Control of the Lord Ordinary or the Court, which have been provided for in the preceding Sections.

When Creditors may resolve that Bankrupt is only entitled to Decree of Cessio.

CLVIII. It shall be competent for a Majority in Number and Value of the Creditors at any Meeting called for the Purpose after the Election of the Trustee, if it shall appear to them that the Estate is not likely to yield free Funds for Division among the ordinary Creditors, after Payment of preferable Debts and Expenses, beyond *One hundred Pounds*, to resolve that the Bankrupt shall only be entitled to apply for and obtain a Decree of Cessio, and shall have no Right to a Discharge in the Sequestration; and, on such Resolution being passed, it shall be the Duty of the Trustee, after giving *Eight* Days previous Notice to the Bankrupt, to report such Resolution to the Lord Ordinary, who shall hear Parties, if required, and decide with reference to the whole Circumstances of the Case, with or without a Report from the Accountant, whether such

Resolution shall be confirmed or recalled; and if such Resolution shall be confirmed, the Bankrupt shall have no Right to a Discharge in the Sequestration, but shall be entitled to apply for a Decree of Cessio, and the Court shall have Power to grant such Decree in the Sequestration, without requiring the Bankrupt to bring a separate Process, and in all other respects the Sequestration shall be proceeded with in common Form.

Process of Cessio Bonorum.

Cessio Bonorum.

CLIX. Any Trustee or Trustees to whom the Pursuer of a Cessio shall grant a Conveyance of his Estate and Effects for Behoof of his Creditors shall act under the Supervision and Control of the Accountant in like Manner as the Trustee under a Sequestration, and the Accountant shall exercise the like Powers and perform the like Duties as in that Case, but always under the Directions of the Court, for which Purpose it shall be the Duty of every such Trustee, or, failing him, of the Clerk to any such Process in the Court of Session, or of the Clerk of the Sheriff Court in which the Cessio has been granted, to transmit a Note of the same, and Residence of such Trustee, to the Accountant, and the Accountant shall prepare a List of such Processes, and shall require from such Trustees, at the End of each Period of *Three Months*, Accounts of their Intromissions, and report on the same to either Division of the Court, and he shall also bring before the Court any Instance of Malversation or Irregularity in such Trustees, whereupon the Court shall be entitled to inflict on them such Censure or Punishment as it may deem just.

Judicial Proceedings.

Appeals, &c. against Resolutions of Creditors and Deliverances of Trustee to the Lord Ordinary or Sheriff.

CLX. It shall be competent to appeal against the Resolutions of the Creditors at Meetings either to the Lord Ordinary or the Sheriff, provided a Note of Appeal shall be lodged with and marked by One of the Clerks of the Bill Chamber within *Fourteen* Days after the Date of the Meeting at which the Resolution objected to has been passed, or (as the Case may be) in the Hands of and marked by the Sheriff Clerk within the like Period; and it shall in like Manner be competent to appeal against any Deliverance of the Trustee or Commissioners to the Lord Ordinary or the Sheriff, provided the Note of Appeal shall be lodged and marked as aforesaid within *Fifteen* Days from the Date of the Deliverance; and where any such Appeal is made, or where any Petition or Complaint is presented against the Trustee or Commissioners, or against any of the Creditors, the Lord Ordinary or the Sheriff (as the Case may be) shall appoint a Copy thereof, and of his Deliverance thereon, to be served on the Respondent, or his Mandatory

datory or known Agent, and appoint the Respondent to appear at a specified Diet within such Period as may be reasonable; and the Lord Ordinary or the Sheriff (as the Case may be) shall at such Diet hear Parties vivâ voce, and the Lord Ordinary shall proceed to dispose of the Case, with or without a Record, as he shall consider best; and the Sheriff, without a Record, may decide, provided he shall specify the Facts, and assign the Grounds of his Judgment; but if he shall see Cause he may order Minutes to be lodged by the Parties, containing their Averments in Fact and Pleas in Law, without Argument, and may hold the same as a closed Record, and proceed in a summary Way, and in pronouncing his Judgment he shall assign his Reasons; and it shall be competent to the Lord Ordinary or the Sheriff, where any Resolution of a Meeting of the Creditors is appealed against, to order a new Meeting to be held, in order to reconsider the Resolution.

Review of Sheriff's Judgments.

CLXI. It shall be competent to bring under the Review of the Inner House of the Court of Session, or before the Lord Ordinary in Time of Vacation, any Deliverance of the Sheriff, after the Sequestration has been awarded (except where the same is declared not to be subject to Review), provided a Note of Appeal be lodged with and marked by the Sheriff Clerk, within *Eight* Days from the Date of such Deliverance, failing which the same shall be final; and such Note, together with the Process, shall forthwith be transmitted by the Sheriff Clerk to the Clerk of the Bill Chamber; and the Lord Ordinary's Decision shall, when not expressly made final by this Act, be subject to Review of the Inner House; and it shall be competent to the Inner House or the Lord Ordinary to remit to the Sheriff, with Instructions.

Review of Lord Ordinary's Judgments.

CLXII. Where any Judgment of the Lord Ordinary is to be brought under Review of the Inner House, the same shall be done by a Reclaiming Note in common Form presented within *Fourteen* Days from the Date of the Judgment; and such Reclaiming Note shall be disposed of by the Inner House as speedily as the Forms of Court will allow.

Regulation by Sheriff of Interim Possession.

CLXIII. During the Dependence of Appeals or Petitions and Complaints it shall be competent to the Sheriff to give such Orders as may be necessary to regulate the Interim Possession and Administration of the Estate.

Appeals to House of Lords.

CLXIV. If any Appeal shall be made to the House of Lords, the Sequestration shall, in all respects not inconsistent with or injurious to the Interests which may be affected by the Appeal, proceed without

Interruption, and the Lord Ordinary shall make such Orders as may be necessary to regulate the Interim Possession and Managment of the Estate, and which Orders shall not be subject to Appeal.

Deliverances, Extracts, and Copies shall form Evidence.

CLXV. All Deliverances under this Act purporting to be signed by the Lord Ordinary or by any of the Judges of the Court of Session, or by the Sheriff, as well as all Extracts or Copies thereof or from the Books of the Court of Session or the Sheriff Court purporting to be signed or certified by any Clerk of Court, or Extracts from or Copies of Registers purporting to be made by the Keeper thereof, or Extractor, shall be judicially noticed by all Courts and Judges in England, Ireland, and Her Majesty's other Dominions, and shall be received as primâ facie Evidence, without the Necessity of proving their Authenticity or Correctness, or the Signatures appended, or the official Character of the Persons signing, and shall be sufficient Warrants for all Diligence and Execution by Law competent.

Deliverances, &c. may be printed. Service of Citations.

CLXVI. All Deliverances, Bonds, Schedules, and Executions under this Act may be either printed or in Writing, or partly both; and Service or Citation may be made by a competent Officer without Witnesses.

Trustee and Commissioners may compound and transact.

CLXVII. The Trustee may, with Consent of the Commissioners, compound and transact or refer to Arbitration any Questions which may arise in the Course of the Sequestration regarding the Estate, or any Demand or Claim made thereon, and the Compromise, Transaction, or Decree Arbitral shall be binding on the Creditors and the Bankrupt.

Agents in Court of Session may be Agents in Causes under this Act before Sheriff.

CLXVIII. It shall be lawful for all Agents duly qualified to practise before the Court of Session to practise in all Sheriff Courts, in so far as relates to any of the Proceedings authorized by this Act to be carried on before the Sheriff: Provided that they shall not be entitled to Payment of any higher Fees than those legally exigible in such Courts.

Miscellaneous Provisions.

Punishment of wilful Falsehood.

CLXIX. If any Person shall be guilty of wilful Falsehood in any Oath made in pursuance of this Act, he shall be liable to a Prosecution, either at the Instance of Her Majesty's Advocate, or at the Instance of the Trustee, with the Concurrence of Her Majesty's Advocate: Provided that, in the latter Case, the Prosecution shall be authorized by a Majority of the Creditors present at a Meeting to be called for the Purpose; and such Person shall, on Conviction, besides the awarded Punishment, forfeit to

to the Trustee, for Behoof of the Creditors, his whole Right, Claim, and Interest in or upon the Sequestrated Estate, and the same shall be distributed, either under the Sequestration, or, if it be closed, under a Process of Multiplepoinding, as is herein-before provided.

Trustee may be authorized to receive and open Post Letters.

CLXX. The Lord Ordinary or Sheriff, on Cause shown, may order, that for a Period not exceeding *Three* Months from the Date of the Order all Letters addressed to the Bankrupt shall be delivered by the Postmaster General, or the Officers acting under him, to the Sheriff Clerk or Trustee, to be opened in Presence of the Sheriff, after written Notice to the Bankrupt to attend, if within Scotland; and in case the Letters shall relate in whole or in part to the Estate, they shall be placed in such Custody as the Sheriff may direct; and the Lord Ordinary or Sheriff may, on Cause shown, renew such Order for a like Period as often as shall be necessary.

Fees payable.

CLXXI. The Fees which are set forth in the Schedule (I.) hereunto annexed shall be payable on the Proceedings specified, and shall form a Fund, which shall be applied in the Payment of the Salaries and Expenses of Officers in the Court in which the same are payable, and any Surplus which shall at any Time arise shall be paid as the Commissioners of Her Majesty's Treasury shall direct.

Fees payable to the Bill Chamber Clerks.

CLXXII. The Bill Chamber Clerks are hereby prohibited from charging or receiving any Fees, except for Copies of Interlocutors or other Papers ordered or required, for which an Allowance shall be paid at the Rate of *Sixpence* for each Page of *One hundred and fifty Words*, without any farther Charge for Stationery.

Gazette Keeper to furnish Copies of Gazette.

CLXXIII. From and after the *Commencement of this Act* the Keeper of the Gazette shall on each Day of Publication furnish a Copy thereof to the Keeper of Edictal Citations and to the Bill Chamber Clerks, and to the Accountant, who shall keep the same regularly filed, and make the said Gazettes on all Occasions patent to the Lieges at Office Hours, on Payment of a Fee of *Sixpence* and no more.

Charges on Advertisements under this Act.

CLXXIV. No Advertisement inserted in the London Gazette or in the Edinburgh Gazette, by virtue of this Act, or the Act passed in the Sixth and Seventh Year of the Reign of His late Majesty King William the Fourth, Chapter Fifty-six, shall be charged by the Keepers of the said Gazettes for Publication therein at a higher Price, nor shall a higher Price be paid for such

Publication, than the Sums specified in the Schedule (K.) hereunto annexed.

Conveyances, Deeds, &c. relating to Estates of Bankrupts, Notices, not liable to Stamp or other Duties.

CLXXV. From and after the Commencement of this Act, all Conveyances, Assignations, Instruments, Discharges, Writings, or Deeds relating solely to the Estate belonging to any Bankrupt against whom Sequestration has been or may be awarded, either under this or any former Act, and which Estate, after the Execution of such Conveyances, Assignations, Instruments, Discharges, Writings, or Deeds, shall be and remain the Property of such Bankrupt, for the Benefit of his Creditors, or the Trustees appointed or chosen under or by virtue of such Sequestration, and all Discharges to such Bankrupt, and all Deeds, Assignations, Instruments, or Writings for reinvesting such Bankrupt in the Estate, and all Powers of Attorney, Commissions, Factories, Oaths, Affidavits, Articles of Roup or Sale, Submissions, Decrees Arbitral, and all other Instruments and Writings whatsoever, relating solely to the Estate of such Bankrupt, and all other Deeds or Writings forming a Part of the Proceedings ordered under such Sequestration, shall be exempt from all Stamp Duties or other Government Duty.

Acts of Sederunt may be made.

CLXXVI. It shall be lawful for the Judges of the Court of Session, either during Session or Vacation, by an Act or Acts of Sederunt, from Time to Time to apportion the Duties to be performed by the Officers in the Bill Chamber, or in the said Court, or in the Sheriff Courts, and to regulate Procedure in relation to this Act, in so far as consistent therewith, and to establish a Table of Fees to be allowed to Agents, both in the Court of Session and Sheriff Courts, for conducting the Proceedings, and to amend or alter such Act or Acts from Time to Time ; and such Act or Acts of Sederunt shall within *One Month* after the making thereof be transmitted by the Lord President of the Court of Session to One of Her Majesty's Principal Secretaries of State, that the same may be laid before both Houses of Parliament.

SCHE-

SCHEDULES referred to in this Act.

SCHEDULE (A.)

No. 1.

Abbreviate for the Register of Inhibitions.

PETITION for Sequestration of *A.B.* [*Name and Designation*].
Date of First Deliverance Day of .
(Signed) *C.D.* [*If an Agent, state so.*]

No. 2.

Certificate by the Keeper.

THIS Petition was presented by [*or* received by Post from] [*name and design the Presenter or Party transmitting by Post*] and recorded on [*Date*] in the Register of Inhibitions at Edinburgh.
(Signed) *E.F.*, Keeper.

No. 3.

Abbreviate.

PETITION for transferring, in Terms of the "Bankruptcy (Scotland) Act, 1856," from *A.B.* [*Name and Designation*], as Heir of *C.D.* [*Name and Designation*], the Estates of *C.D.*, Date of Deliverance Day of
(Signed) *G.H.* [*If an Agent, state so.*]

SCHEDULE (B.)

Notice to the Gazettes.

THE Estates of *A.B.* [*Name and Designation*] were sequestrated on [*Date, Month, and Year*] by the [Court of Session *or* Sheriff of].

The First Deliverance is dated the [*Date*].

The Meeting to elect the Trustee and Commissioners is to be held at [*Hour*] o'Clock on the [*Day of the Week*] the [*Date, Month, and Year*],

Year], within [*specify particular Place*] in [*Town*]. A Composition may be offered at this latter Meeting; and to entitle Creditors to the First Dividend their Oaths and Grounds of Debt must be lodged on or before the [*insert Date*].

All future Advertisements relating to this Sequestration will be published in the Edinburgh Gazette alone.

(Signed) *P.Q.*, Agent [*specify Place of Business*].

SCHEDULE (C.)

Form of Bond of Caution for Trustee.

I *A.B.* [*Name and Designation*], having been appointed Trustee on the sequestrated Estate of *C.D.* [*Name and Designation*], and I *E.F.* [*Designation*] as Cautioner, Surety, and full Debtor for and with the said *A.B.*, hereby bind and oblige ourselves, conjunctly and severally, our Heirs and Executors, That I the said *A.B.* shall faithfully discharge all the Duties which by Law attach to the said Office of Trustee, and fully account for my whole Intromissions with the said Estate, and make Payment of any Balance due by me to the Creditors on the said Estate, or Trustee elected by them to succeed me; declaring that this Bond shall not be in any way affected, nor shall I the said *E.F.* be liberated, by any Omission, Negligence, or Want of Diligence on the Part of the Creditors or Commissioners on the said Estate. [*In case the Caution has been limited by the Creditors, the following Clause will be here inserted:* And declaring further, that this Bond, so far as concerns me the said *E.F.*, shall not bind me or my foresaids to a greater Extent than the Sum of [*here insert Sum in Writing*], to which my Obligation before written is hereby limited.] In witness whereof this Bond (*so far as not printed*), written and filled up by [*here shall be inserted in Writing a testing Clause in legal Form*].

(Signed) *A.B.*
E.F.

O.T., Witness.
L.F., Witness.

SCHE-

SCHEDULE (D.)

Act and Warrant of Confirmation of the Trustee.

[*Place and Date.*]

The Sheriff of the County of [*insert County*] has confirmed and hereby confirms *A.B.* [*Name and Designation*] Trustee on the sequestrated Estate of *C.D.* [*Name and Designation*]; and the whole of the Estates and Effects, Heritable and Moveable, and Real and Personal, wherever situated, of the said *C.D.*, are transferred and belong to *A.B.* as Trustee for Behoof of the Creditors of the said *C.D.*, in Terms of the "Bankruptcy (Scotland) Act, 1856"; and the said *A.B.* has, as Trustee aforesaid, in Terms of the said Act, full Right and Power to sue for and recover all Estates, Effects, Debts, and Money belonging or due to the said *C.D.*

(Signed) *C.D.*, Sheriff Clerk.

SCHEDULE (E.)

No. 1.

Abbreviate for the Register of Adjudications.

The whole Estates and Effects, Heritable and Moveable, and Real and Personal, wherever situated, of *A.B.* [*Name and Designation*], are transferred and belong to *E.F.* [*Name and Designation*], as Trustee on his sequestrated Estate, conform to Act and Warrant of Confirmation dated the Day of , issued in Terms of the "Bankruptcy (Scotland) Act, 1856."

[*Signed by the Trustee or his Agent.*]

No. 2.

Certificate by the Keeper.

This Abbreviate was presented by [*Name and Designation*] and recorded on [*Date*] in the Register of Abbreviates of Adjudications.

(Signed) *E.F.*, Keeper.

No. 3.

Abbreviate of Adjudication.

The Estates vested in *A.B.* [*Name and Designation*] as Heir of *C.D.* [*Name and Designation*] are transferred and belong to *E.F.* [*Name and Designation*], as Trustee on the sequestrated Estate of the said *C.D.*, conform to Deliverance by the Lord Ordinary, dated the Day of and in Terms of the "Bankruptcy (Scotland) Act, 1856."

[*Signed by the Trustee or his Agent.*]

SCHEDULE (F.)

For the Gazette.

Sequestration of *C.D.* [*Designation*].

A.B. [*Name and Designation*], has been elected Trustee on the Estate, and *E.F.* and *G.* [*Names and Designations*], have been elected Commissioners. The Examination of the Bankrupt will take place in the Sheriff Court House [*or other Place*] on [*Day of Week*] the [*Date*] of [*Month*] next, at [*Hour*]. The Creditors will meet in [*specify the Place, Day, Date, Month, and Hour*] o'Clock. [*If any Offer of Composition has been entertained at the Meeting for Election of Trustee, intimate this, as provided by the Act.*]

[*Signed by the Trustee.*]

[*Date.*]

SCHE-

SCHEDULE (G.)

REGISTER OF SEQUESTRATIONS.

Name and Designation of Bankrupt.	Place and County of Bankrupt's Residence or Business.	Name and Designation of Petitioning or Concurring Creditor.	Whether Sequestration awarded by Sheriff (*state the County*) or by Court of Session.	Division of the Court, if by Court of Session.	To what Sheriff remitted.	Date of First Deliverance.	Date of awarding. (If recalled, Entry to be in this Column.)	Date of Transmission to Sheriff, and of Receipt by Sheriff Clerk.	Time and Place for electing Trustee.	Trustee's Name and Designation.	Commissioners Names and Designation.	Time for lodging Claims for Dividend.	Date of Bankrupt's Discharge.	Bankrupt's Discharge on or without Composition.	Date of Trustee's Discharge.

SCHEDULE (H.)

ANNUAL RETURN by each TRUSTEE within *Fourteen* Days after the Thirty-first Day of October, and by each SHERIFF CLERK within *Fourteen* Days thereafter.

Name and Designation of Bankrupt.	County and Place.	By whom Sequestration awarded.	Name and Designation of Trustee.	Names and Designation of Commissioners.	Amount of Funds as in the Bankrupt's State.	Amount of Funds realized.	Amount of Debts.	Allowance to Bankrupt.	Discharge on Composition or without Composition.	Amount of Composition, and when payable, and Names and Designation of Cautioners.	Dividend,—Amount paid or unpaid.	AMOUNT OF EXPENSES.		
												Trustees Commission.	Law Expenses.	Miscellaneous.

Signed by Trustee and by Sheriff Clerk.

SCHE-

SCHEDULE (I.)

Table of Fees payable under this Act.

I.—In the Court of Session.	£	s.	d.
(1.) To the Collector of the Fee Fund:			
Original Petitions for Sequestration, or any other Writ or Step by which a Process of Sequestration is originated	0	10	0
All other Papers, being Steps of Procedure, and not Productions, each	0	2	6
(2.) To the Keeper of the General Minute Book:			
For entering the First Deliverance, and Deliverance awarding Sequestration, Adjudication, and Discharge, and Approval of Composition, each	0	2	6
For entering any other Deliverance or Intimation	0	1	0
(3.) To the Extractors:			
For every Extract made of the Proceedings or of the Deliverance of the Lord Ordinary or Inner House, per Sheet	0	1	0
II.—To the Keepers of the Records.			
For entering any Schedule	0	1	0
For entering on the Margin of any Record the Recal of Sequestration, or Discharge in favour of the Bankrupt	0	1	0
For Access to and Liberty to make Excerpts of Proceedings under this Act from any Register or Record appointed herein to be kept, or in which Entries are herein appointed to be made, a Fee of *One Shilling* for each Year of the Record inspected, but not exceeding in all for any One Record	0	10	0
For Extracts or certified Copies therefrom, per Sheet	0	1	0
For collating and certifying Extracts therefrom, per Sheet	0	0	6
III.—Sheriff Court.			
(1.) To the Sheriff Clerk:			
On every Deliverance pronounced by the Sheriff, awarding Sequestration, declaring the Election of a Trustee, appointing Diets of Examination, granting a Discharge to the Bankrupt, approving of Composition, or exonerating the Trustee	0	2	6
For every other Deliverance, not being merely an Order for Papers or Revisals	0	1	0

	£	s.	d.
For every Transmission to or by him of the Proceedings	0	1	0
For entering the First Deliverance, and the Deliverance awarding Sequestration, in the Register, each (if separate)	0	0	6
For entering the Name and Designation of the Trustee and Commissioners in the Register	0	0	6
For issuing, receiving back, and examining Bond of Caution for Trustee, to be paid at the issuing of Bond	0	2	6
For Oath of the Bankrupt, and Examinations of him or others, per Sheet	0	1	0
For every Warrant of Apprehension or Citation of the Bankrupt or others, or Commission to take Examination	0	2	6
For every certified Copy or Extract of the Proceedings before the Sheriff, or of any Deliverance pronounced by him, per Sheet	0	1	0
For every annual Report of the depending Sequestrations, for each Sequestration, to be paid by the Trustee	0	0	6
For every borrowing of all or any Part of the Proceedings	0	0	6
(2.) To the Sheriff:			
Attending any Meeting of Creditors or Examination, for each such Meeting or Diet of Examination, not being on the same Day	1	1	0

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Bankruptcy (Scotla

A

BILL

To consolidate and amend the Laws rel
Bankruptcy in Scotland.

(Prepared and brought in by
The Lord Advocate and Viscount Dunca

Ordered, by The House of Commons, *to be Pr*
26 *February* 1856.

[Bill 54.]

Under 9 *oz.*

Bankruptcy (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

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(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend the Laws relating to Bankruptcy in Scotland.

[Note.—*The Clauses marked* A. *to* I. *were added in Committee.*]

Preamble.

WHEREAS it is expedient to consolidate and amend the Laws relating to Insolvency and Bankruptcy, and for regulating the Sequestration of Estates of Bankrupts, in Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title and Date of Act.

I. This Act may be cited as the "Bankruptcy (Scotland) Act, 1856," and shall come into operation on and after the First Day of November One thousand eight hundred and fifty-six.

Acts repealed. 54 G. 3. c. 137. 2 & 3 Vict. c. 41. 16 & 17 Vict. c. 53.

II. The Acts passed in the Sessions of Parliament holden in the Fifty-fourth Year of the Reign of His Majesty King George the Third, Chapter One hundred and thirty-seven, and in the Second and Third Year of the Reign of Her present Majesty, Chapter Forty-one, and in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Fifty-three, are hereby repealed; saving always their Effect in regard to any Act or Deed done or granted prior to the Date of this Act coming into operation.

Effect on existing Sequestrations.

III. All Sequestrations awarded on and after the said Date, or Proceedings occurring on or after the said Date, in Sequestrations which have been awarded before it under former Acts, and all Matters connected with Insolvency or Bankruptcy provided for by this Act which occur on or after the said Date, although the Insolvency or Bankruptcy with which they are connected has occurred before it, shall be regulated by this Act: Provided always, that it shall be competent for the Lord Ordinary, or the Sheriff, in Sequestrations awarded before the said Date, to order, upon Cause shown, the next or any subsequent Proceedings therein to be conducted as if the Acts hereby repealed were still in force, and such Proceedings shall thereon be as valid as if the said Acts were unrepealed.

Construction and Meaning of Words.

IV. In this Act the Words "Lord Ordinary" shall mean the Lord Ordinary officiating on the Bills in the Court of Session; the Word "Deliverance" shall include any Order, Warrant, Judgment, Decision, Interlocutor, or Decree; the Words "Clerk or Officer of the Court of Session" shall include the Keeper of the Register of Abbreviates of Adjudications; the Word "Accountant" shall mean the Accountant in Bankruptcy appointed under this Act; the Word "Gazette" shall signify the Edinburgh Gazette; the Word "Commissioners" shall mean a Majority of the Commissioners elected under the Provisions of this Act; the Words "Property" and "Estate" shall, when not expressly restricted, include every kind of Property, Heritable or Moveable, wherever situated, and all Rights, Powers, and Interests therein capable of legal Alienation, or of being affected by Diligence or attached for Debt; the Word "Moveable" shall include Personal, and the Word "Heritable" shall include Real; the Word "Security" shall include Securities, Heritable or Moveable, and Rights of Lien, Retention, or Preference, and Conveyances thereof and any Part thereof; the Word "Sheriff" shall include Sheriff Substitute, unless the Context indicate the contrary; the Word "Successors" shall include all Persons who have succeeded to any Property which was vested in a Party deceased at the Time of his Death, whether as Heirs, Heirs Apparent, Trustees under voluntary Conveyances, Representatives by Deed or otherwise, Executors, Administrators, or nearest of Kin, or as Assignees, or Legatees, and shall also include Singular Successors where they have acquired the Right; the Word "Vote" shall, as well as the ordinary Meaning thereof, include a Consent to any Offer of Composition, and to a Discharge of the Debtor, and also a Dissent from such Offer or Discharge; the Word "Company" shall include Bodies Corporate, Politic, or Collegiate, and Partnerships; the Words "Partner of a Company" shall include the Members of such Bodies; the

the Words "Debtor," "Bankrupt" and "Creditor" shall apply to Companies as well as Individuals, and shall include Aliens, unless in this, and also in the other Cases herein-above specified, a different Construction shall be provided.

Reckoning of Time.

V. Periods of Time in this Act shall be reckoned exclusive of the Day from which such Period is directed to run.

Dates of Deeds.

VI. The Date of a Deed under this Act, or under the Act passed in the Parliament of Scotland held in the Year One thousand six hundred and ninety-six, Chapter Five, shall be the Date of recording of the Sasine, where Sasine is requisite, and, in other Cases, of Registration of the Deed, or of Delivery, or of Intimation, or of such other Proceeding as shall in the particular Case be requisite for rendering such Deed completely effectual.

Constitution and Effects of Notour Bankruptcy.

Notour Bankruptcy of Individuals.

VII. Notour Bankruptcy shall be constituted by the following Circumstances:

1st. By Sequestration, or by the issuing of an Adjudication of Bankruptcy in England or Ireland; or

2d. By Insolvency, concurring either—

(A.) With a duly executed Charge for Payment, followed, where Imprisonment is competent, by Imprisonment or formal and regular Apprehension of the Debtor, or by his Flight or absconding from Diligence, or Retreat to the Sanctuary, or forcible defending of his Person against Diligence, or, where Imprisonment is incompetent or impossible, by Execution of Arrestment of any of the Debtor's Effects not loosed or discharged for Fifteen Days, or by Execution of Poinding of any of his Moveables, or by Decree of Adjudication of any Part of his Heritable Estate for Payment or in Security; or

(B.) With Sale of any Effects belonging to the Debtor under a Poinding, or under a Sequestration for Rent, or with his retiring to the Sanctuary for Twenty-four Hours, or with his making Application for the Benefit of Cessio bonorum

Of a Company.

VIII. Notour Bankruptcy of a Company shall be constituted either in any of the foregoing Ways or by any of the Partners being rendered Notour Bankrupt for a Company Debt.

Commencement of Notour Bankruptcy.

IX. Notour Bankruptcy shall be held to commence from the Time when its several Requisites concur, and when it has once been constituted shall continue, in case of a Sequestration, till the Debtor shall obtain his Discharge, and in other Cases until Insolvency cease, without Prejudice to Notour Bankruptcy being anew constituted within such Period.

Challenge may be in Court of Session or Sheriff Courts.

X. Deeds made void by this Act, and all Alienations of Property by a Party insolvent or Notour Bankrupt, which are voidable by Statute or at Common Law, may be set aside either by way of Action or Exception, and that either in the Ordinary Court of the Sheriff or in the Court of Session; and a Decree setting aside the Deed by Exception shall have the like Effect, as to the Party objecting to the Deed, as if such Decree were given in an Action at his Instance.

May be by Trustee.

XI. The Trustee on a sequestrated Estate under this Act shall be entitled to set aside any such Deed or Alienation for behoof of the whole Body of Creditors, and in so doing shall be entitled to the Benefit of any Presumption which would have been competent to any Creditor.

Pari passu Ranking of Diligence.

Arrestments and Poindings.

XII. Arrestments and Poindings which shall have been used within Sixty Days prior to the Constitution of Notour Bankruptcy, or within Four Months thereafter, shall be ranked pari passu as if they had all been used of the same Date; provided, that if such Arrestments are used on the Dependence of an Action, or on an illiquid Debt, they be followed up without undue Delay; provided further, that any Creditor judicially producing in a Process relative to the Subject of such Arrestment or Poinding liquid Grounds of Debt or Decree of Payment within such Period shall be entitled to rank as if he had executed an Arrestment or a Poinding; and in case the first or any subsequent Arrester shall, in the meantime, obtain a Decree of Forthcoming and Preference, and thereupon shall recover Payment, or a Poinding Creditor shall carry through a Sale, he shall be accountable for the Sum recovered to those who, by virtue of this Act, may be eventually found to have a Right to a Ranking pari passu thereon, and shall be liable to an Action at their Instance for Payment to them proportionally, after allowing out of the Fund the Expense of recovering the same; and if any Arrestments be used for attaching the same Effects after the Period of Four Months subsequent to the Bankruptcy, such Arrestments shall not compete with

with those used within the said Periods prior or subsequent thereto, but may rank with each other on any Reversion of the Fund attached, according to Law and Practice.

Sequestration, when competent.

Sequestration may be awarded in Cases enumerated.

XIII. Sequestration may be awarded of the Estate of any Person in the following Cases:

1st. In the Case of a living Debtor subject to the Jurisdiction of the Supreme Courts of Scotland:

A. On his own Petition, with the Concurrence of a Creditor or Creditors, qualified as herein-after mentioned:

B. On the Petition of a Creditor or Creditors, qualified as herein-after mentioned, provided the Debtor be Notour Bankrupt, and have within a Year before the Date of the Presentation of the Petition resided or had a Dwelling House or Place of Business in Scotland; or otherwise, in the Case of a Company being Notour Bankrupt, as herein-before provided, if it have within such Time carried on Business in Scotland, and any Partner have so resided or had a Dwelling House or if the Company have had a Place of Business in Scotland:

Sequestration of deceased Debtor.

2d. In the Case of a deceased Debtor who at the Date of his Death was subject to the Jurisdiction of the Supreme Courts of Scotland:

A. On the Petition of a Mandatory to whom he had granted a Mandate to apply for Sequestration:

B. On the Petition of a Creditor or Creditors qualified as herein-after mentioned.

Qualification of Creditors, petitioning or concurring.

XIV. Petitions for Sequestration may be at the Instance or with the Concurrence of any One Creditor whose Debt amounts to not less than Fifty Pounds, or of any Two Creditors whose Debts together amount to not less than Seventy Pounds, or any Three or more Creditors whose Debts together amount to not less than One hundred Pounds, whether such Debts are liquid or illiquid, provided they are not contingent.

Within what Date Petitions may be presented.

XV. Petitions for Sequestration, presented without the Concurrence of the Debtor, he being in Life, shall be competent only within Four Months of the Date of the Debtor's Notour Bankruptcy; and Petitions for Sequestration of the Estates of a deceased Debtor at the Instance of a Creditor may be presented at any Time after the Debtor's Death,

but no Sequestration shall be awarded until the Expiration of Six Months from the Debtor's Death, unless he was at the Time of his Death Notour Bankrupt, or unless his Successors shall concur in the Petition or renounce the Succession, in which several Cases Sequestration shall forthwith be awarded; and in all other Cases falling under this Act a Petition for Sequestration shall be competent at any Time, and Sequestration may follow thereon in manner herein-after directed.

Interim Preservation of Estate.

Court may take Measures to preserve Estate before Sequestration.

XVI. It shall be competent for the Court to which a Petition for Sequestration is presented, whether Sequestration can forthwith be awarded or not, on special Application by a Creditor, either in such Petition or by a separate Petition, with or without Citation to other Parties interested, as the said Court may deem necessary, or without such special Application if the Court think proper, to take immediate Measures for the Preservation of the Estate, either by the Appointment of a Judicial Factor, who shall find such Caution as may be deemed necessary, with the Powers necessary for such Preservation, including the Power to recover Debts, or by such other Proceedings as may be requisite; and such interim Appointments or Proceedings shall be carried into immediate Effect; but if the same have been made or ordered by the Sheriff, they may be recalled by the Court of Session, on Appeal taken, in manner herein-after directed.

After Sequestration Bankrupt's Papers may be sealed up.

XVII. The Sheriff shall have Power, upon Cause shown by any Creditor, or without any Application, if he shall think fit, at any Time after the Sequestration and before the Election of a Trustee, to cause to be sealed up and put under safe Custody the Books and Papers of the Bankrupt, and to lock up his Shop, Warehouse, or other Repositories, and to keep the Keys thereof till a Trustee is elected and confirmed.

Forum.

Courts for awarding Sequestration.

XVIII. Sequestration may be awarded either by the Court of Session or by the Sheriff of any County in which the Debtor, for the Year preceding the Date of the Petition, has resided or carried on Business; provided, that no Sequestration shall be awarded by any Court after Production of Evidence that a Sequestration has already been awarded in another Court, and is still undischarged.

XIX. When

Later Sequestrations to be remitted to the first in Date.

XIX. When Sequestration has been awarded against a Debtor by the Sheriffs of Two or more Counties, the later Sequestration or Sequestrations shall, on Production of a Certificate by the Sheriff Clerk of the County in which the Sequestration first in Date was awarded, setting forth the Date of such Sequestration, be remitted to the Sheriff of such County; and where all the Sequestrations are of the same Date, any One may be brought by Appeal at any Time before either Division of the Court of Session or Lord Ordinary; and on such Appeal, or when a Sequestration has been awarded by the Court of Session alone, or by the Court of Session and also by One or more Sheriff Courts, the Court of Session or Lord Ordinary shall remit the Sequestration to such Sheriff Court as in the whole Circumstances they or he shall deem expedient; and a Notice of such Remit shall be inserted in the Gazette within Four Days after such Remit shall have been made: Provided always, that in any Case in which the Sheriff has refused to sequestrate, it shall be competent to present a Petition for Sequestration to the Court of Session notwithstanding such Judgment of Refusal.

No Proceeding under Order of Sheriff to be effectual after Appeal, except for Preservation of Estate.

XX. It shall be competent in such Case for each Sheriff awarding Sequestration to take such Measures in the meantime as may be necessary for preserving the Debtor's Estate and Effects within his Jurisdiction, under the Provisions of this Act; but no other Orders given by any Sheriff on or after awarding Sequestration, except by the Sheriff to whom the Sequestration is remitted, and no Proceedings of Creditors or others in pursuance of any Orders, shall be of any Force or Effect from and after the Date of such Appeal, or of Sequestration by the Court of Session.

Form of Petition, and Productions therewith.

Form of Petition.

XXI. Petitions for Sequestration in the Court of Session shall be made to the Lord Ordinary, and be signed by the Petitioner or his Counsel or Agent, and the Division of the Court to which the Sequestration is appropriated shall be marked thereon, and in the Sheriff Court shall be signed by the Petitioner or his Agent, and in either Court, in Petitions at the Instance of the Debtor, but not signed by him, there shall be produced therewith a Mandate authorizing the same, signed by him, or in the Case of a Company signed by a Party entitled to act for the Company; and in all Cases the Petitioning or Concurring Creditor shall produce with such Petition an Oath to the Effect herein-after specified, and also the Account and Vouchers of the Debt as herein-after provided; failing which Production the Petition shall be dismissed.

Oath to be produced.

Oath to be to Verity of Debt and Extent of Securities.

XXII. Such Oath, in the Case of a Creditor residing within the Kingdom of Great Britain and Ireland, shall be taken by him before a Judge Ordinary, Magistrate, or Justice of the Peace, to the Verity of the Debt claimed by him; and he shall in such Oath state what other Persons, if any, are, besides the Bankrupt, liable for the Debt or any Part thereof, and specify any Security which he holds over the Estate of the Bankrupt or of other Obligants, and depone that he holds no other Obligants or Securities than those specified; and where he holds no other Person than the Bankrupt so bound, and no Security, he shall depone to that Effect.

How taken, when Creditor out of Great Britain or Ireland.

XXIII. Such Oath, in the Case of a Creditor who is out of the Kingdom of Great Britain and Ireland, shall be taken by him to the Verity of the Debt in the Manner above provided before a Magistrate or Justice of the Peace, or other Person qualified to administer Oaths in the Country where he resides, (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a British Minister or British Consul, or by a Notary Public,) or his known Agent or Mandatory in Great Britain or Ireland shall make an Oath of Credulity in the Manner and to the Effect before provided.

Oath to specify further Particulars in certain Cases.

XXIV. When a Petition is presented for Sequestration of the Estates of a deceased Debtor, the Petitioning Creditor shall, in his Oath, or in a separate Oath, specify the Place where the Debtor resided or had a Dwelling House or carried on Business in Scotland at the Time of his Death, and whether he was then Owner of Estates in Scotland; and when the Petition is presented during the Life of the Debtor, without the Consent of the Debtor, the Petitioning Creditor shall in such Oath, in the event of the Debtor's Bankruptcy being founded on his retiring within the Sanctuary, swear that he believes the Debtor to have so retired, as herein-before set forth.

Claims of Companies and Creditors who are Minors or incapable.

XXV. When the Creditor is a Corporation, an Oath of Verity made as aforesaid by the Secretary, Manager, Cashier, Clerk, or other principal Officer of such Corporation shall be sufficient, although the Person making the same be not a Partner in such Corporation, or in case of other Companies an Oath by a Partner shall be sufficient; and where any Creditor shall be under Age or incapable to make Oath, an Oath of Credulity as aforesaid by his authorized Agent, Factor, Guardian, or Manager shall be sufficient.

Citation

Citation on Petition.

When Citation of Parties necessary.

XXVI. When a Petition for Sequestration is presented without the Consent of the Debtor, or for the Sequestration of the Estate of a Debtor who is dead, without the Consent of the Successor, the Lord Ordinary or Sheriff to whom it is presented shall grant Warrant to cite the Debtor, or, if dead, his Successor, to appear within a specified Period, if he be within Scotland, by delivering to him personally, or by leaving at his Dwelling House or Place of Business, or the Dwelling House or Place of Business last occupied by him, a Copy of the Petition and Warrant, and if the Debtor or his Successor be furth of Scotland, to cite him to appear within a specified Period by leaving such Copy at the Office of Edictal Citations, at the Dwelling House or Place of Business last occupied by him, and, if the Debtor be dead, also at the Dwelling House or Place of Business occupied by him at his Death, to show Cause why Sequestration should not be awarded; and the Lord Ordinary or the Sheriff shall, if desired, grant Diligence to recover Evidence of the Notour Bankruptcy or other Facts necessary to be established.

In Sequestration of a Company.

XXVII. When the Debtor is a Company it shall be a sufficient Citation that a Copy of the Petition and Warrant be left at the Place where the Business of the Company is or was last carried on, provided a Partner or a Clerk or a Servant of the Company be there, and failing thereof at the Dwelling House of any of the acting Partners, and if the House of such Partner cannot be found, by leaving a Copy at the Office of Edictal Citations; and Sequestration may be awarded either on the Application of the Company itself, or on the Application of a Creditor or Creditors to the Amount aforesaid, without the Consent of the Company, of the Estates of the Company and Partners jointly, or of their respective Estates separately.

Induciæ of Citation.

XXVIII. The Induciæ of Citation, when made personally or at a Dwelling House or Place of Business, shall be not less than Six nor more than Fourteen Days, and when made edictally shall be Twenty-one Days; and the Lord Ordinary or the Sheriff at the same Time shall direct Intimation of the Warrant, and of the Diet of Appearance on such Induciæ, to be made in the Gazette.

Procedure on Petition.

Sequestration to be forthwith awarded on Petition by Debtor.

XXIX. When a Petition is presented in manner aforesaid to the Lord Ordinary, or to the Sheriff, for Sequestration, the Lord Ordinary or the Sheriff shall forthwith, if the same is presented by or with the Concurrence of the Debtor, or, if dead, of his Successor, or if the Successor shall renounce the Succession, issue a Deliverance

by which he shall award Sequestration of the Estates which then belong or shall thereafter belong to the Debtor before the Date of the Discharge, and declare the Estates to belong to the Creditors for the Purposes of this Act, and if the Debtor is dead shall ordain any Successor who has made up a Title to or is in possession of any Part of his Property to convey the same to the Trustee to be appointed as herein-after mentioned.

Sequestration to be awarded after Citation and hearing Parties when Petition not by Debtor.

XXX. Where the Petition is not by or with the Concurrence of the Debtor, or, if dead, of his Successor, and if the Debtor, or, if dead, his Successor, do not appear at the Diet of Appearance, either in Person or by his Counsel or Agent, and show Cause why the Sequestration cannot be competently awarded, or if the Debtor so appearing do not instantly pay the Debt or Debts in respect of which he was made Bankrupt, or produce written Evidence of the same being paid or satisfied, and also pay or satisfy, or produce written Evidence of the Payment or Satisfaction of the Debt or Debts due to the Petitioner or to any other Creditor appearing and concurring in the Petition, the Lord Ordinary or Sheriff, on Production of Evidence of the Citation and of the foresaid Requisites for Sequestration, shall award Sequestration in manner and to the Effect before mentioned; and it shall not be competent for any Creditor, after the Date of the First Deliverance on the Petition for Sequestration, to be confirmed Executor Creditor, or to raise or insist in any Adjudication against the Estate of the deceased Debtor.

Clause A. When Sequestration is awarded, Lord Ordinary to remit to Sheriff to proceed.

XXXI. When Sequestration is awarded by the Lord Ordinary, he shall, by the Interlocutor awarding Sequestration, remit to the Sheriff of the County where the Debtor carries on or last carried on his Business, or where he resides or last resided, to proceed in manner herein-after mentioned.

Recal of Sequestration within Forty Days.

XXXII. The Deliverance awarding Sequestration when given on Petition to the Lord Ordinary shall not be subject to Review; but any Debtor whose Estate has been sequestrated without his Consent, or the Successors of any deceased Debtor whose Estate has been sequestrated without their Consent, unless on the Application of a Mandatory authorized by the deceased Debtor, or any Creditor, whether the Sequestration has been awarded by the Lord Ordinary or by the Sheriff, may, within Forty Days after the Date of such Deliverance, present a Petition to the Lord Ordinary, setting forth the Grounds for Recal, and praying for Recal; and when Sequestration has been awarded of the Estate of a deceased Debtor, when his Successor was edictally cited, it shall be competent for his Successor, or any Person having Interest, to apply by Petition

as

as aforesaid at any Time before the Publication of the Advertisement for Payment of the First Dividend herein-after mentioned; and the Lord Ordinary shall, in these several Cases, order a Copy of the Petition for Recal and of his Deliverance to be served on the Parties who petitioned or concurred in the Petition for Sequestration, or on their respective known Agents, and on the Trustee, if appointed, and shall require them to answer within a specified short Time, and order a Notice of the Presentation of the Petition for Recal to be published in the Gazette, and on the Expiration of the Time so fixed he shall proceed to pronounce Judgment; and if he shall recal the Sequestration, the Recal shall be entered in the Register of Sequestrations, and on the Margin of the Register of Inhibitions.

Recal of Sequestration at future Time.

XXXIII. No Petition for Recal of the Sequestration, excepting as herein-after provided, shall be competent after the Expiration of the said Forty Days, or after the Advertisement for Payment of the First Dividend; provided that Nine Tenths in Number and Value of the Creditors ranked on the Estate as herein directed may at any Time apply for Recal by Petition to the Lord Ordinary, who shall order Notice of his Deliverance to be published in the Gazette, requiring all concerned to appear within Fourteen Days from the Date of Publication to show Cause why the Sequestration should not be recalled, and on Expiration of the said Time he shall proceed to pronounce Judgment.

Proceedings not to be stayed.

XXXIV. Pending any Petition for Recal, and until the Sequestration be finally recalled, the Proceedings in the Sequestration shall go on as if no such Petition had been presented.

Sisting of one Party for another.

XXXV. If a Creditor who has petitioned for Sequestration, or concurred in such Petition, or who has petitioned for Recal of a Sequestration, or appeared to oppose a Petition for Sequestration or Recal, or lodged an Objection, shall withdraw, or become bankrupt, or die, any other Creditor may be sisted in his Place and follow out the Proceedings; and if the Debtor shall die after the Petition for Sequestration is presented, the Proceedings shall notwithstanding be followed out in Terms of this Act, so far as Circumstances will permit.

Clause B. Majority of Creditors may resolve that Estate be wound up.

XXXVI. At the Meeting for the Election of the Trustee, or at any subsequent Meeting to be called for the Purpose, a Majority in Number and Four Fifths in Value of the Creditors present or represented at such Meeting may resolve that the Estate ought to be wound up under a Deed of Arrangement, and that an Application should be

presented to the Lord Ordinary or the Sheriff to sist Procedure in the Sequestration for a Period not exceeding Two Months, and on such Resolution being carried it shall not be necessary to elect a Trustee.

CLAUSE C. Bankrupt to report Resolution to the Lord Ordinary.

XXXVII. It shall be lawful for the Bankrupt, or any Person appointed by the Meeting, to report such Resolution to the Lord Ordinary or the Sheriff, within Four Days of the Date of such Resolution, and to apply for a Sist of the Sequestration in Terms thereof; and the Lord Ordinary or the Sheriff may hear any Party having Interest, and if he shall find that such Resolution was duly carried, and that the Application is reasonable, may grant the same.

CLAUSE D. Lord Ordinary to make Arrangement for interim Management of Estate.

XXXVIII. In the event of such Application being granted, the Lord Ordinary or the Sheriff may, on the Application of any Creditor, make such Arrangement for the interim Management of the Estate as he shall think reasonable, if any shall appear to be necessary.

CLAUSE E. If Sequestration be sisted, Creditors may produce to the Lord Ordinary a Deed of Arrangement.

XXXIX. If the Sequestration shall be sisted, the Creditors may, at any Time within the Period of such Sist, produce to the Lord Ordinary or the Sheriff a Deed of Arrangement, subscribed by or by Authority of Four Fifths in Number and Value of the Creditors of the Bankrupt; and the Lord Ordinary or the Sheriff may consider the same, and make such Intimation thereof as he may think proper, and hear Parties having Interest, and make any Inquiry he may think necessary; and if he shall be satisfied that such Deed of Arrangement has been duly entered into and executed and is reasonable, he shall approve thereof, and declare the Sequestration at an end; and such Deed shall thereafter be as binding on all the Creditors as if they had all acceded thereto: Provided always, that the Sequestration shall receive full Effect in so far as may be necessary for the Purpose of preventing, challenging, or setting aside Preferences over the Estate.

CLAUSE F. If Resolution not reported, the Sequestration to proceed.

XL. If such Resolution shall not be duly reported, or if a Sist be refused, or if such Deed of Arrangement shall not be duly produced, or if it shall not be approved of, the Sequestration shall proceed, and the Period of Time occupied with a view to a Deed of Arrangement shall not be reckoned in calculating Periods of Time prescribed in this Act; and the Lord Ordinary or the Sheriff may make all necessary Orders, by appointing Meetings of Creditors and otherwise, for resuming the necessary Procedure in the Sequestration.

CLAUSE G. If Sequestration declared at an end, Judgment to be recorded.

XLI. If the Sequestration be declared at an end, the Judgment declaring the same shall be recorded in the same Manner as if the Sequestration had been recalled as herein-before provided.

XLII. The

Payment of Expenses of petitioning or concurring Creditor.

XLII. The petitioning or concurring Creditor shall be entitled to Payment by the Trustee, when he shall be appointed, out of the first of the Funds which shall come into his Hands, of the Expenses incurred by such Creditor in obtaining the Sequestration and doing the other Acts hereby required prior to the Election of the Trustee, as the same shall be taxed.

Commencement of Sequestration.

XLIII. In all Questions under this Act or preceding Acts regarding Sequestration of the Estates of Debtors, the Sequestration shall be held to commence and take effect on and from the Date of the First Deliverance on any Petition for Sequestration, which shall be held to be the Date of the Sequestration, although the Sequestration be not actually awarded until a later Date.

Clerks to Sequestration.

Sequestration not to fall asleep.

XLIV. In Sequestrations awarded in the Court of Session and remitted to the Sheriff the Process of Sequestration shall be held to be in the Bill Chamber of the Court of Session, and the Clerks of the Bill Chamber shall be Clerks to such Sequestrations; and the Sheriff Clerk of any County shall be Clerk to the Sequestrations awarded by the Sheriff of that County; and no Process of Sequestration, either in the Court of Session or Sheriff Court, shall fall asleep, or shall be liable to be dismissed under the Fifteenth Section of the Act passed in the Sixteenth and Seventeenth Year of our Reign, Chapter Eighty; and on a Remit of a Sequestration awarded in the Court of Session being made to the Sheriff, a Copy of the Petition for Sequestration and of the First Deliverance, and also (where it is different) of the Deliverance awarding Sequestration, certified by One of the Clerks of the Bill Chamber, shall, with the Productions, be transmitted by the Petitioner to the Sheriff Clerk of the County to the Sheriff of which the Sequestration is remitted; and in all Sequestrations the Sheriff Clerk and Messengers-at-Arms and Officers of the Sheriff Court shall have Power to act in their respective Offices under this Act.

Protection or Liberation of Debtor.

Warrant of Protection may be granted to the Debtor.

XLV. The Lord Ordinary or Sheriff, when awarding Sequestration, may grant to the Debtor or Partners of the Company against whom or which it is awarded a Warrant of Protection against Arrest or Imprisonment for Civil Debt until the Meeting of the Creditors for the Election of Trustee, or he may refuse to grant such Warrant of Protection; and every such Warrant of Protection which shall not be advertised in the London and Edinburgh Gazettes within One Week after the Date of such Sequestration shall be ineffectual and incapable

pable of being pleaded in bar of personal Diligence; but, notwithstanding that the Lord Ordinary or Sheriff may have refused to grant Interim Warrant of Protection as aforesaid, it shall be competent to the Creditors on the Occasion of the Meeting to elect a Trustee, or at the Meeting after the Examination of the Bankrupt, or at any subsequent Meeting, to resolve that personal Protection ought to be granted to the Bankrupt for such Time as they may think fit, and the Trustee shall thereupon apply to the Sheriff, who shall grant the Protection.

Warrant to liberate the Debtor.

XLVI. The Lord Ordinary or the Sheriff by whom Sequestration was awarded may, on Application made either in the Petition for Sequestration or by a separate Petition by the Debtor, grant Warrant for liberating the Debtor, if in Prison, after such Intimation to the incarcerating Creditor or his known Agent as the Lord Ordinary or the Sheriff may deem just, and after hearing any Objection to the granting of such Warrant; and if the Application be refused it shall be competent for the Debtor to make a new Application for Liberation, with Consent of the Trustee and Commissioners, and, on Intimation and hearing Objections as aforesaid, the Lord Ordinary or the Sheriff may grant Warrant to liberate; and in any Case the Lord Ordinary or the Sheriff may annex such Conditions of Caution or otherwise to such Warrant as he may judge proper.

Sheriff's Judgment subject to Appeal.

XLVII. The Judgment of the Sheriff granting or refusing Liberation shall be subject to Review by a Note of Appeal to either Division of the Court of Session, or, during Vacation, to the Lord Ordinary, which Appeal shall be heard summarily, and the Judgment pronounced thereon shall be final.

Effect of Warrant of Protection or Liberation.

XLVIII. The Warrant granting Protection or Liberation, or a Copy thereof, certified by One of the Bill Chamber Clerks if it is granted by the Lord Ordinary, or by the Sheriff Clerk if it is granted by the Sheriff, shall protect or liberate the Debtor from Arrest or Imprisonment in Great Britain and Ireland and Her Majesty's other Dominions, for Civil Debt contracted previous to the Date of Sequestration, and all Courts of Justice and Judges and all Officers and Gaolers shall be bound to give Effect to such Warrant; but such Warrant of Protection or Liberation shall not be of any Effect against the Execution of a Warrant of Apprehension or Imprisonment in meditatione fugæ or ad factum præstandum, or for any criminal Act.

Registration

Registration of Sequestrations.

Recording Abbreviate of Sequestration.

XLIX. The Party applying for Sequestration shall present, before the Expiration of the Second lawful Day after the First Deliverance if given by the Lord Ordinary, or present or transmit by Post before the Expiration of the Second lawful Day after the said Deliverance if given by the Sheriff, an Abbreviate of the Petition and Deliverance, signed by him or his Agent, in the Form of Schedule (A. No. 1.) hereunto annexed, to the Keeper of the Register of Inhibitions at Edinburgh, who shall forthwith record the said Abbreviate in the Register of Inhibitions, and write and subscribe a Certificate thereof on the said Abbreviate in the Form also specified in the said Schedule (A. No. 2.), and shall, on the Request of the Party transmitting such Abbreviate, and on Payment by him of the Fees of such Registration, and of the Postage, re-transmit the said Abbreviate by Post to the said Party; and the Abbreviate so recorded shall from the Date of the said Deliverance have the Effect of an Inhibition and of a Citation in an Adjudication of the Estate of the Debtor at the Instance of the Creditors afterwards ranked on the Estate; and it shall not be competent to stop such Effect, or the Effect of the Sequestration after it is awarded, by paying the Debt or Debts in respect of which it was applied for or awarded; and if the said Abbreviate be not so recorded it shall have no Effect as an Inhibition or Citation as aforesaid, and the Party applying for Sequestration shall, within Four Days from the Date of the Deliverance awarding the Sequestration (if awarded in the Court of Session), or, if it is awarded by the Sheriff, within Four Days after a Copy of the said Deliverance could be received in course of Post in Edinburgh, insert a Notice in the Form of Schedule (B.) hereunto annexed in the Gazette, and also One Notice in the same Terms within *Six* Days from the said Date in the London Gazette.

RANKING OF CLAIMS.

1*st. General Rules as to Voting and Ranking for Payment of Dividends.*

Creditor claiming must produce Oath.

L. To entitle a Creditor to vote or draw a Dividend he shall be bound to produce at the Meeting, or in the Hands of the Trustee, an Oath to the Effect and taken in manner herein-before appointed in the Case of Creditors petitioning for Sequestration, and the Account and Vouchers necessary to prove the Debt referred to in such Oaths.

Oath in Cases where Accounts and Vouchers are not

LI. If the Creditor be not in possession of such Accounts and Vouchers previously to the Period herein-after assigned for lodging Claims with a view to a Share in any Dividend, he shall state, in his Oath,

in Creditor's Possession.

Oath, the Cause of the said Accounts and Vouchers not being produced, and in whose Hands, to the best of his Knowledge, the same are; which Oath shall entitle him to have a Dividend set apart till a reasonable Time be afforded for Production thereof, or for otherwise establishing his Debt according to Law; but he shall not be entitled to act or vote till such Production be made, or the Debt established as aforesaid; and the Trustee shall, on Production of the Oaths and Grounds of Debt, mark the same with his Initials, and make an Entry thereof in the Sederunt Book, and of the Date when the same were produced, and, if required, he shall return to the Creditor the Grounds of Debt.

Provision for Correction of Oath.

LII. When it shall appear to the Sheriff or to the Trustee that the Oath or Claim of any Person produced with a view to voting or ranking, and drawing a Dividend on the Sequestration, is not framed in the Manner required by this Act, the Sheriff or Trustee, as the Case may be, shall call upon such Person, or his Agent or Mandatory, to rectify his Oath and Claim, pointing out to him wherein it is defective; and unless such Person or his Agent or Mandatory shall thereupon make such Alteration upon his Oath and Claim as may be necessary in order to rectify the same, the Sheriff or Trustee, as the Case may be, shall disallow or reject such Oath and Claim: Provided always, that when the Failure to comply with the Provisions of this Act shall appear to have been made for some improper or fraudulent Purposes, or where Injury can be qualified by the other Creditors or any of them in respect thereof, it shall not be incumbent upon the Sheriff or Trustee to give such Person an Opportunity to rectify his Oath and Claim as aforesaid.

Creditors may vote and rank for Principal and Interest to Date of Sequestration only.

LIII. A Creditor who has a Claim or a Debt due shall be entitled to vote and rank for the accumulated Sum of Principal and Interest to the Date of the Sequestration, but not for any Interest accruing after the Date of the Sequestration, and if the Debt is not payable till after the Date of the Sequestration, he shall be entitled to vote and rank for it only after Deduction of the Interest from that Date, and he shall also be liable to Deduction of any Discount beyond legal Interest to which his Claim is liable by the Usage of Trade applicable to it, but he shall not be bound to specify separately in his Oath or Claim for his Debt the Amount of any Interest due thereon or of any Interest or Discount deducted therefrom, or to specify therein any accumulated Sum of Principal and Interest, and if there be any Residue of the Estate after discharging the Debts ranked he shall be entitled to claim out of such Residue the full Amount of the Interest on his Debt in Terms of Law.

LIV. When

Valuation of Claim depending on a Contingency.

LIV. When the Claim of a Creditor depends upon a Contingency which is unascertained at the Date of lodging his Claim, he shall not be entitled to vote nor to draw a Dividend in respect of such contingent Debt, but he may apply to the Sheriff, if the Trustee has not been elected, or, if elected, to the Trustee, to put a Value on such Debt, and the Sheriff or Trustee (as the Case may be) shall put a Value thereon as at the Date of such Valuation; and on such Value being fixed such Creditor shall be entitled to vote and draw Dividends in respect of such Value, and no more: Provided that if such Contingency have taken place before the Debt has been valued, such Creditor may vote and draw Dividends in respect of the Amount of the Debt, but the same shall not disturb any former Dividends allotted to other Creditors; and when such Application is made to the Sheriff or Trustee, Notice thereof shall be given to the Bankrupt and petitioning or concurring Creditor; and the Judgment of the Sheriff or Trustee shall be subject to Review, and any Creditor who has claimed on the Estate may appeal, or appear and be heard on any Appeal.

Valuation of Claim on Annuity.

LV. No Creditor in respect of an Annuity granted by the Bankrupt shall be entitled to vote and draw a Dividend until such Annuity shall be valued, but he may, if the Trustee has not been elected, apply to the Sheriff, or, if elected, to the Trustee, to put a Value on such Annuity; and the Sheriff or Trustee, as the Case may be, shall put a Value on the Annuity, regard being had to the original Price given for the Annuity, deducting therefrom such Diminution in the Value of the Annuity as shall have been caused by the Lapse of Time since the Grant thereof to the Date of the Sequestration; and such Creditor shall be entitled to vote and draw Dividends in respect of such Value, and no more: Provided always, that when such Application is made to the Sheriff, Notice thereof shall be given to the Bankrupt and the petitioning or concurring Creditor; and the Judgment of the Sheriff or Trustee shall be subject to Review, and any Creditor who has claimed on the Estate may appeal, or appear and be heard on any Appeal.

Clause H. Creditor not to sue Cautioner after the Date of Sequestration.

LVI. When any Person is bound as Cautioner for Payment of such Annuity, it shall not be lawful for the Creditor therein to sue or charge such Cautioner after the Date of the Sequestration, except for the Value fixed as aforesaid, and the Arrears of Annuity and Interest thereon; and on such Cautioner making Payment of such Value and Arrears to the Creditor, and the lawful Interest thereon, he shall be discharged of all Liability for such Annuity, and he may thereupon enter a Claim in the Sequestration for the Sum so paid, and vote and draw Dividends thereon; provided that if such Cautioner shall not pay the Sum so fixed, and Arrears and Interest

as aforesaid, before any Payment of the Annuity subsequent to the fixing thereof becomes due, he shall be bound to make Payment of the said Annuity, and all subsequent Annuities, until he shall make Payment of the Sum so fixed, Arrears of Annuity and Interest as aforesaid, deducting always such Dividends as the Creditor shall have received before full Payment as aforesaid.

CLAUSE I. Obligant not freed from Liability for Debt, in respect of any Vote given or Dividend drawn by the Creditor.

LVII. When a Creditor has an Obligant bound to him along with the Bankrupt for the whole or Part of the Debt, such Obligant shall not be freed from his Liability for such Debt in respect of any Vote given or Dividend drawn by the Creditor, or of his assenting to the Discharge of the Bankrupt, or to any Composition; but such Obligant may require and obtain, at his own Expense, from such Creditor, an Assignation to the Debt, on Payment of the Amount thereof, and in virtue thereof enter a Claim on the said Estate, and vote and draw Dividends, if otherwise legally entitled to do so.

Liability of Creditors for Expenses.

LVIII. No Person shall, by merely lodging an Oath and Claim, or being ranked or receiving Payment of a Dividend, or appearing or voting at a Meeting in a Sequestration as a Creditor, be liable for any Claim by the Agent or other Person employed by the Trustee for Money advanced, or Expense incurred, or Remuneration in relation to the Affairs of the Estate, reserving to the Agent or other Person so employed Right to Payment out of the Estate and from the Trustee by whom he may have been employed, in so far as the same may be competent to him; and no Trustee shall have Relief in respect of such Payment against such Creditor, reserving to such Trustee Relief against the Estate, and against those Creditors or others who may on other Grounds be liable in Relief.

Oaths not to supersede other Evidence.

LIX. In no Case shall Oaths of Verity or Credulity supersede Production of legal Evidence, when required, in any Discussion before the Court of Session, the Lord Ordinary, the Sheriff, or the Trustee.

2d. Special Rules as to Voting.

Valuation of Securities for voting.

LX. If a Creditor hold a Security for his Debt over any Part of the Estate of the Bankrupt, he shall, before voting, make an Oath, in which he shall put a specified Value on such Security, and deduct such Value from his Debt, and specify the Balance, and if the Estate over which the Security extends be sold, he shall specify in his Oath the free Proceeds which he has received or shall be entitled to receive therefrom, and specify the Balance due after Deduction thereof, and he shall be entitled in any Case to vote

vote in respect of the Balance, and no more, without Prejudice to the Amount of his Debt in other respects; and in Questions as to the Disposal or Management of the Estate subject to his Security he shall be entitled to vote as a Creditor for the full Amount of his Debt, without making any such Deduction.

Valuation of Obligations of Co-Obligants with Bankrupt.

LXI. When a Creditor has an Obligant bound with but liable in Relief to the Bankrupt, or holds any Security from an Obligant liable in Relief to the Bankrupt, or any Security from which the Bankrupt has a Right of Relief, such Creditor shall, before voting, make an Oath, in which he shall put a specified Value on the Obligation of such Obligant, and on such Security, to the Extent to which the Bankrupt is entitled to Relief, and he shall deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote in respect of such Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Valuation of Claims against a Company and Partners.

LXII. A Creditor on the Estate of a Company shall not be bound, for the Purpose of voting on the Company's Estate, to deduct from his Claim the Value which he may be entitled to draw from the Estates of the Partners; but if he claim on the Estate of a Partner, he shall, before voting, in his Oath put a specified Value on his Claim against the Estate of the Company, and also against the other Partners thereof, in so far as they are liable to relieve such Partner, and deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote as a Creditor for the said Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Trustee may require a Conveyance of Security by Creditor on 20 per Cent. Addition to his own Valuation.

LXIII. It shall be competent to the Trustee, with Consent of the Commissioners, within Two Months after an Oath, specifying the Value of a Security, or Obligation, or Claim in the several Cases before mentioned, has been made use of in voting at any Meeting or in assenting to or dissenting from the Bankrupt's Composition or Discharge, and it shall also be competent to the Majority of the Creditors (excluding the Creditor making such Oath) assembled at any Meeting, and during such Meeting, to require from the Creditor making such Oath a Conveyance or Assignation in favour of the Trustee of such Security, Obligation, or Claim, on Payment of the specified Value, with Twenty per Centum in addition to such Value; and the Creditor shall be bound to grant such Conveyance or Assignation, at the Expense of the Estate: Provided that where a Creditor has put a Value on such Security or Obligation, he may at any Time before he has been required to convey and assign as aforesaid,

Creditor may correct Valuation by new Oath.

said, correct such Valuation by a new Oath, and deduct such new Value from his Debt.

Mandatories for Creditors may vote.

LXIV. The Mandatory of any Person entitled to vote as a Creditor may vote in the Absence of such Creditor, provided he exhibit a Mandate; and the Vote of such Mandatory shall, within his Mandate, be held as the Vote of the Creditor himself.

Persons acquiring Debts after Sequestration not to vote.

LXV. Any Person who shall acquire after the Date of the Sequestration, otherwise than by Succession or Marriage, a Debt due by the Bankrupt, and the Wife of the Bankrupt and any Trustee for her shall not be entitled to vote in the Election of Trustee or Commissioners, but in all other respects such Person may be ranked as a Creditor.

3d. Special Rules as to Ranking for Payment of Dividends.

Valuation of Securities with a view to a Dividend.

LXVI. To entitle any Creditor who holds a Security over any Part of the Estate of the Bankrupt to be ranked in order to draw a Dividend, he shall on Oath put a specified Value on such Security, and deduct such Value from his Debt, and specify the Balance; and the Trustee, with Consent of the Commissioners, shall be entitled to a Conveyance or Assignation of such Security, at the Expense of the Estate, on Payment of the Value so specified out of the first of the Common Fund, or to reserve to such Creditor the full Benefit of such Security; and in either Case the Creditor shall be ranked for and receive a Dividend on the said Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Value of Claim against a Company to be deducted from Claim against Partners.

LXVII. When a Creditor claims on the Estate of the Partner of a Company in respect of a Debt due by such Company, the Trustee on the Estate of such Partner shall, before ranking such Creditor, put a Valuation on the Estate of the Company, and deduct from the Claim of such Creditor such estimated Value, and rank and pay to him a Dividend only on the Balance.

Election and Removal or Resignation of Trustee.

Appointment of Meeting to elect a Trustee.

LXVIII. The Lord Ordinary or the Sheriff, by the Deliverance which awards the Sequestration, shall appoint a Meeting of the Creditors, to be held at a specified Hour, on a specified Day, being not earlier than Six nor later than Twelve Days from the Date of such Deliverance, at a convenient Place within the County of the Sheriff awarding Sequestration, or to whom the Sequestration is remitted, to elect a Trustee or Trustees in Succession, and do the other Acts herein-after provided.

LXIX. Creditors

Procedure at Meeting for Election of Trustee.

LXIX. Creditors or their Mandatories, qualified as aforesaid, shall assemble at the Time and Place fixed for the Election of Trustee, with Power to adjourn for such reasonable Time as may seem fit, provided such Adjournment do not postpone the Meeting for the Election of Trustee beyond the Limit of the Period within which that Meeting is by this Act appointed to be held; and if Two or more Creditors shall give Notice to the Sheriff of the County, such Sheriff shall attend the Meeting and adjourned Meetings, and preside; and the Sheriff Clerk or his Depute shall also attend, and mark the Oaths and Productions with his Initials, and write the Minutes in the Presence of the Meeting, and enter therein the Names and Designations of the Creditors present, or of the Mandatories of Creditors, and the Amount for which they claim, and any other Circumstances which the presiding Sheriff shall judge fit, which Minutes the presiding Sheriff shall sign; and the Clerk shall retain the Oaths of the several Claimants, subject to the Exhibition thereof in his Hands, till the Election shall be determined, when he shall deliver the same to the Trustee; and when the Sheriff is not present the Creditors shall elect a Preses and (if the Sheriff Clerk or a Depute be not present) a Clerk; and the Preses shall mark the Oaths and Productions with his Initials, and sign the Minutes; and the Clerk shall, in the Presence of the Meeting, write the Minutes, and enter therein the Names and Designations of the Creditors or Mandatories, and the Amount for which they claim, and any other Circumstances relating to the said Meeting which the Preses shall judge fit, which Minutes the Preses shall sign; and the Creditors or their Mandatories who have produced their Oaths and Documents of Debt, and who have been entered in the Minutes, shall then and there elect a fit Person to be Trustee, or Two or more Trustees, to act in succession, in case of Nonacceptance, Death, Resignation, Removal, or Disqualification, and in the Case of the Sequestration of the Estates of a Company and of the Partners, One Trustee for all the Estates, or separate Trustees on the Estates of the Company and on the Estates of all or each of the individual Partners or Trustees in succession as aforesaid; and it shall not be lawful to elect as Trustee the Bankrupt, or any Person conjunct or confident with the Bankrupt, or who holds an Interest opposed to the general Interest of the Creditors, or whose Residence is not within the Jurisdiction of the Court of Session.

Judgment of Sheriff as to Trustee.

LXX. If the Sheriff be present at the Election of Trustee, and there be no Competition for the Office, or Objection stated to the Candidate or Candidates, he shall, by a Deliverance on the Minutes, declare the Person chosen by the Creditors to be Trustee, and if there be Competition, or Objections to the Candidate or Candidates, such

such Objections to the Votes or Candidates shall be stated at the Meeting, and the Sheriff may either forthwith decide thereon, or make Avizandum and he shall, if necessary, make a short Note of the Objections and of the Answers, on which he shall, within Four Days after the Meeting, hear Parties vivâ voce, and declare the Person or Persons Trustee or Trustees in succession whom he shall find to have been duly elected, and state the Grounds of his Decision in a Note, and the same, as well as such short Note, shall form Part of the Process

When Sheriff not present.

LXXI. When the Preses has been elected by the Creditors, such Preses (whether there be any Competition or Objection or not) shall forthwith report the Proceedings to the Sheriff; and the Oaths of the several Claimants shall, if the Sheriff Clerk or his Depute be present, remain in his Possession, or, if he be not present, shall be transmitted to the Sheriff Clerk by the Preses, to be retained by him till the Trustee shall be finally appointed, when he shall deliver the same to the Trustee; and if there be no Competition or Objection the Sheriff shall declare the Person or Persons elected Trustee or Trustees in succession; and if there be Competition or Objection the Parties shall, within Four Days from the Date of the said Meeting, lodge in the Hands of the Sheriff Clerk short Notes of Objections, and the Sheriff shall forthwith hear Parties thereon vivâ voce, and give his Decision, and state the Grounds thereof in a Note, which Note, as well as such short Notes, shall form Part of the Process.

Judgment of Sheriff as to Trustee final.

LXXII. The Judgment of the Sheriff declaring the Person or Persons elected to be Trustee or Trustees in succession, shall be given with the least possible Delay; and such Judgment shall be final, and in no Case subject to Review in any Court or in any Manner whatever.

Caution to be found by Trustee.

LXXIII. The Creditors shall at the Meeting for Election of a Trustee fix a Sum for which the Trustee shall find Security for his Intromissions and Performance of the Duties and Rules hereby enacted, and shall also decide on the Sufficiency of the Caution offered; and the Person declared to be Trustee shall forthwith lodge with the Sheriff Clerk a Bond of Caution, signed by the Trustee and his Cautioner, in the Form of the Schedule (C.) hereunto annexed, which Bond shall be furnished to him by the Sheriff Clerk.

Act and Warrant in favour of Trustee.

LXXIV. On the Decision of the Sheriff being given, declaring the Person elected Trustee, and on a Bond by the Trustee and his Cautioner being duly lodged as aforesaid, the Sheriff shall confirm

confirm his Election as Trustee, which Confirmation shall be final, and not subject to Review in any Court or in any Manner whatever; and the Sheriff Clerk shall issue an Act and Warrant in the Form of Schedule (D.) hereunto annexed to the Trustee, and the Trustee shall immediately transmit a Copy of such Act and Warrant to the Accountant, who shall make an Entry of the Name and Designation of the Trustee in the Register of Sequestrations, and such Act and Warrant shall be an effectual Title to the Trustee to perform the Duties hereby imposed on him, and shall be Evidence of his Right and Title to the sequestrated Estate, for the Purposes of this Act; and a Copy of such Act and Warrant in favour of the Trustee, purporting to be certified by the Accountant, and to be authenticated by One of the Judges of the Court of Session, shall be received in all Courts and Places within England, Ireland, and Her Majesty's other Dominions as primâ facie Evidence of the Title of the Trustee, without Proof of the Authenticity of the Signatures or of the official Character of the Persons signing, and shall entitle the Trustee to recover any Property belonging or Debt due to the Bankrupt, and to maintain Actions, in the same Way as the Bankrupt might have done if his Estate had not been sequestrated.

To be a complete Title to him.

LXXV. A Majority in Number and Value of the Creditors present at any Meeting duly called for the Purpose, may remove the Trustee, or accept of his Resignation; and One Fourth of the Creditors in Value may at any Time apply by Petition to the Lord Ordinary for Removal of the Trustee, and the Lord Ordinary shall order such Petition to be served on the Trustee, and intimated in the Gazette; and if the Lord Ordinary shall be satisfied that sufficient Reason has been shown, he shall remove the Trustee, and appoint a Meeting of the Creditors to be held for devolving the Estate on the Trustee next in succession, or electing a new Trustee; and if the Trustee shall die, resign, or be removed, or remain at any One Time for Three Months furth of Scotland, any Commissioner, or any Creditor ranked or claiming and entitled to be ranked on the Estate, may apply to the Sheriff for an Order to hold a Meeting for devolving the Estate on the Trustee next in succession, or electing a new Trustee; and the Sheriff shall grant Warrant to hold such Meeting at a certain Time and Place, which shall be advertised in the Gazette by the Commissioner or Creditor so applying, and at the Time and Place so appointed the Creditors at such Meeting may devolve the Estate on the Trustee next in succession, or elect a new Trustee; and when the Estate is devolved on such Trustee the Creditors shall fix the Amount for which he shall find Security, and on a Bond being lodged the Sheriff shall confirm him, and

Removal or Resignation of Trustee.

Election of a new Trustee.

and an Act and Warrant shall be issued and recorded in the same Way and to the same Effect as in the first Election of a Trustee; and in all Cases of a new Election of a Trustee the Procedure shall take place in the like Manner as is herein-before provided in the Case of the First Election; and the succeeding or new Trustee shall be vested with the Powers and perform the Duties and be subject to the same Rules as are herein-before provided, and shall call to account the former Trustee, or his Heirs or Representatives.

Election and Removal of Commissioners.

Election of Commissioners.

LXXVI. At the Meeting for Election of a Trustee the Creditors present or their Mandatories shall, after the Election of the Trustee, elect Three Commissioners (if there be so many Creditors who have claimed), who shall be either Creditors or Mandatories of Creditors, and the like Proceedings shall take place in regard to their Election as is provided in regard to the Election of Trustee (except that they shall not be bound to find Security); and the Sheriff shall decide who are the Persons duly elected, and declare their Election by a Deliverance in the Sederunt Book, which Decision shall be final, and shall entitle them to act without further Confirmation, and a Majority of them shall be a Quorum: Provided that no Person shall be eligible as a Commissioner who is disqualified to be a Trustee; and any Mandatory who has been elected a Commissioner shall lose that Office, upon written Intimation being sent by his Constituent to the Trustee that he has recalled the Mandate, and the Trustee shall immediately record the Intimation in the Sederunt Book; and the Trustee shall, in all Cases where a Commissioner has declined to act, or resigned, or become incapacitated, call a Meeting of Creditors for the Purpose of electing a new Commissioner, and such Commissioner shall be elected in manner herein-before provided.

Removal of Commissioners.

LXXVII. A Majority of the Creditors assembled at any Meeting duly called for that Purpose may remove a Commissioner, and may elect another in his Place, in manner before directed.

Protection and Allowance to Bankrupt.

Protection to Bankrupt.

LXXVIII. At the Meeting for the Election of a Trustee, or at the Meeting held after the Examination of the Bankrupt, or at any Meeting called for the Purpose, the Majority in Number and Value of the Creditors present may resolve that the personal Protection of the Bankrupt ought to be renewed for such Time as they may think fit, and in such Case the Trustee shall apply to the Sheriff, who shall renew

renew the Protection, and the Deliverance by him renewing the same, or an Extract thereof signed by the Sheriff Clerk, shall have the same Effect as the original Warrant of Protection.

Allowance to Bankrupt.

LXXIX. At the Meeting for Election of a Trustee, or at the Meeting held after the Examination of the Bankrupt, or at any Meeting called for the Purpose, Four Fifths in Value of the Creditors present may authorize Payment from Time to Time to the Bankrupt, or to the Partners of a Company, (if the Sequestration be of a Company Estate,) of such Sum out of the Estate as they shall think proper for Sustenance, until the Period assigned for Payment of the Second Dividend, but such Allowance shall not exceed Three Pounds Three Shillings per Week to the Bankrupt, or to each individual Partner of a Company, from the Date of Sequestration to the Period aforesaid, and no Allowance shall be given if the Bankrupt shall not have complied with the Provisions of this Act: Provided always, that if it shall at any Time be the Opinion of a Majority of the Creditors present at a regular Meeting that it is for the Interest of the Estate that a special Allowance should be further made to the Bankrupt, and if the Accountant in Bankruptcy shall report in its Favour, it shall be competent for the Lord Ordinary or the Court, on Application by the Trustee, with the said Concurrence of Creditors, and Report by the Accountant, to award such Allowance, which shall then be payable out of the Estate.

Duties of Trustee and Commissioners.

Record of Abbreviate of his Confirmation.

LXXX. The Trustee, within Twenty-one Days after his Election is confirmed, shall present an Abbreviate, signed by him or his Agent, in the Form of Schedule (E. No. 1.), hereunto annexed, to the Keeper of the Register of Abbreviates of Adjudications, who shall forthwith record the same, and write and subscribe a Certificate on the said Abbreviate in the Form specified in the said Schedule (E. No. 2); and the like Proceeding shall take place within Twenty-one Days after the Election of each new Trustee shall be confirmed.

Trustee to take possession of Estate and Books, and make up Inventory.

LXXXI. The Trustee shall, as soon as may be after his Appointment, take possession of the Bankrupt's Estate and Effects, and of his Title Deeds, Books, Bills, Vouchers, and other Papers and Documents, and also make up an Inventory of such Estate and Effects, and a Valuation showing the estimated Value and the annual Revenue thereof, and shall forthwith transmit Copies of such Inventory and Valuation to the Accountant.

Bankrupt to make up State of his Affairs;

LXXXII. The Bankrupt shall make up, and at the Meeting appointed for the Election of a Trustee deliver to the Clerk of such Meeting, a State of his Affairs, specifying his whole Property, wherever situated, the Property in expectancy or to which he may have an eventual Right, the Names and Designations of his Creditors and Debtors, and the Debts due by and to him, and a Rental of his Heritable Property, which State and Rental shall be subscribed by the Bankrupt, and shall then be delivered to the Trustee, and the same shall be engrossed in a Sederunt Book to be kept by the Trustee; and the Bankrupt shall at all Times give every Information and Assistance necessary to enable the Trustee to execute his Duty; and if the Bankrupt fail to do so, or to grant any Deed which may be requisite for the Recovery or Disposal of his Estate, the Trustee may apply to the Sheriff to compel him to give such Information and Assistance, and to grant such Deeds, under the Penalty of Imprisonment and of Forfeiture of the Benefit of this Act, and unless Cause be shown to the contrary the Sheriff shall issue a Warrant of Imprisonment accordingly.

and to give Information and grant Deeds.

Trustee to recover Funds.

LXXXIII. The Trustee shall manage, realize, and recover the Estate belonging to the Bankrupt, wherever situated, and convert the same into Money, according to the Directions given by the Creditors at any Meeting, and if no such Directions are given, he shall do so with the Advice of the Commissioners; and he shall lodge all Money which he shall receive in such Bank as the Majority of the Creditors in Number and Value at any General Meeting shall appoint, and failing such Appointment, in any Joint Stock Bank of Issue in Scotland (provided that the Bank be not One in which the Trustee shall be an acting Partner, Manager, or Cashier); and the Money shall be lodged in the Name of the Trustee, in his official Character under this Act, at the highest Rate of Interest which can be procured for the same; and such Bank shall, once yearly at least, balance such Account, and accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest as Principal; and if such Bank fail to do so such Bank shall be liable to account as if such Interest had been so accumulated.

Penalty on Trustee retaining Funds.

LXXXIV. If the Trustee shall keep in his Hands any Sum exceeding FiftyPounds belonging to the Estate for more than Ten Days, he shall pay Interest to the Creditors at the Rate of Twenty Pounds per Centum per Annum on the Excess of such Sum above Fifty Pounds for such Time as the same shall be in his Hands beyond Ten Days; and unless the Money has been so kept from innocent Causes, the Trustee shall be dismissed from his Office, upon Petition to the Lord Ordinary

Ordinary or Sheriff by any Creditor, and have no Claim to Remuneration, and shall be liable in Expenses.

Trustee to keep a Sederunt Book, and send Copy of Accounts to Accountant.

LXXXV. The Trustee shall keep a Sederunt Book, in which he shall record all Minutes of Creditors and of Commissioners, States of Accounts, Reports, and all the Proceedings necessary to give a correct View of the Management of the Estate, and he shall also keep regular Accounts of the Affairs of the Estate, and transmit to the Accountant in Bankruptcy, before each of the Periods herein assigned for Payment of a Dividend, a Copy, certified by himself, of such Accounts, in so far as not previously transmitted, and such Copies shall be preserved in the Office of the Accountant; and the Sederunt Book and Accounts shall be patent to the Commissioners and to the Creditors or their Agents, at all Times: Provided always, that when any Document is of a confidential Nature (such as the Opinion of Counsel on any Matter affecting the Interest of the Creditors on the Estate) the Trustee shall not be bound to insert it in the Sederunt Book, or to exhibit it to any other Person than the Commissioners.

Duties of Commissioners.

LXXXVI. The Commissioners shall superintend the Proceedings of the Trustee, concur with him in Submissions and Transactions, give their Advice and Assistance relative to the Management of the Estate, decide as to paying or postponing Payment of a Dividend, and may assemble at any Time to ascertain the Situation of the Bankrupt Estate, and any One of them may make such Report as he may think proper to a General Meeting of the Creditors.

Judicial Factor, Trustee, and Commissioners amenable to Lord Ordinary and Sheriff.

LXXXVII. The Judicial Factor, the Trustee, and Commissioners shall be amenable to the Lord Ordinary and to the Sheriff, although resident beyond the Territory of the Sheriff, at the Instance of any Party interested, to account for their Intromissions and Management, by Petition served on them; and in case it shall appear that such Application ought not to have been made, the Party complained of shall be entitled to his full Expenses, to be either retained out of the Funds, or recovered from the Party complaining, as the Lord Ordinary or the Sheriff shall direct.

Examination of Bankrupt.

Sheriff to name a Day for Bankrupt's Examination.

LXXXVIII. The Trustee shall, within Eight Days after the Date of the Act and Warrant confirming him, apply to the Sheriff to name a Day for the public Examination of the Bankrupt, and the Sheriff shall issue his Warrant for the Bankrupt to attend for such

Examination within the Sheriff Court House on a specified Day and at a specified Hour, being not sooner than Seven Days nor later than Fourteen Days from the Date of the Sheriff's Warrant; and on the Sheriff granting such Warrant the Trustee shall publish an Advertisement, in Terms of Schedule (F.) hereunto annexed, in the Gazette, and send by Post or otherwise special Notice to every Creditor, who has lodged a Claim, or who may be named in the Bankrupt's State of Affairs, intimating his Name and Designation, his Election as Trustee, the Day, Hour, and Place fixed for the Examination of the Bankrupt, and also a specified Day, being not sooner than Seven Days nor later than Fourteen Days after the Day appointed for the Examination of the Bankrupt, or, in case of a deceased Debtor, not sooner than Seven Days nor later than Fourteen Days from the Date of the Trustee's Confirmation, and also the Hour and Place for holding a Second Meeting of the Creditors, and shall also in the same Notice intimate the Period within which Claims should be lodged.

Sheriff may grant Warrant to bring Bankrupt for Examination.

LXXXIX. It shall be competent for the Sheriff to grant a Warrant to apprehend the Bankrupt, and bring him before the Sheriff for Examination; and if the Bankrupt be imprisoned for a Debt or other Civil Obligation within Scotland, the Sheriff may grant Warrant to Magistrates and Gaolers, on receiving a Duplicate of such Warrant, and an Acknowledgment for the Person of the Bankrupt, to deliver him to the Officer presenting the same, and they shall do so accordingly; and the Sheriff may also grant Warrant to bring the Bankrupt from the Sanctuary, which Warrant shall protect him against Arrest for Debt or other Civil Obligation while under Examination, and on the Way to and from the Place of Examination, and shall be sufficient Authority, either within or beyond the Territory of the Sheriff in Scotland, to Messengers-at-Arms, and to the Officers of the Sheriff, to apprehend, transmit, detain, and imprison, and to Gaolers to deliver up, receive, and detain, the Bankrupt, until his Examination is concluded, and also for his Re-transmission after Examination to the Gaol from which he was delivered up, and Re-imprisonment therein; and if the Bankrupt cannot be brought from Gaol or the Sanctuary, or cannot be examined by the Sheriff there, or is by a lawful Cause prevented from attending at the Time and Place appointed, or is in Custody on a criminal Charge, or is abroad, the Sheriff may grant Commission to take the Examination; and the Sheriff or Commissioner may, if he see Cause, adjourn the Examination of the Bankrupt to an early Day, to be then fixed; and the Sheriff may, on the Application of the Trustee, order the Bankrupt to be examined as often as he shall see fit.

XC. If

Apprehension and Transmission of the Bankrupt when out of Scotland.

XC. If the Bankrupt be in any Part of Great Britain and Ireland other than Scotland, the Lord Ordinary may, on Petition by the Trustee, grant Warrant to all Judges, Magistrates, Justices of the Peace, and Officers of the Law, to apprehend and transmit him to the Place of his Examination, and to enforce the same, which they are hereby required to do; and if the Bankrupt be in Prison or Custody, the Lord Ordinary may grant Warrant as aforesaid to Magistrates and Gaolers, upon receiving a Duplicate of such Warrant, and an Acknowledgment for the Person of the Bankrupt, to deliver him to the Messenger or Officer presenting such Warrant, which they shall do accordingly; and such Warrant shall be sufficient Authority for the Apprehension, Transmission, Detention, and Imprisonment of the Bankrupt (when necessary for his safe Custody), and for his Re-transmission after Examination to and Re-imprisonment in the Prison or Custody from which he was delivered up.

Examination of Bankrupt's Wife and others.

XCI. The Sheriff may, at any Time, on the Application of the Trustee, order an Examination of the Bankrupt's Wife and Family, Clerks, Servants, Factors, Law Agents, and others, who can give Information relative to his Estate, on Oath, and issue his Warrant requiring such Persons to appear; and if they refuse or neglect to appear, when duly summoned, the Sheriff may issue another Warrant to apprehend the Person so failing to appear: Provided that when such Person is not the Bankrupt, nor his Wife, nor One of his Family, nor his Clerk or Servant, no Warrant for Apprehension shall be issued until the Expiration of Eight Days from the Service of the First Warrant, unless the Trustee shall, on Oath, specify a reasonable Cause of Belief that such Person intends to leave the Country to avoid the Examination, in which Case the Sheriff may forthwith issue such Warrant; which several Warrants shall be sufficient to authorize Messengers-at-Arms, or the Officers of the Sheriff, to execute the same, either within or without the Territory of the Sheriff in Scotland as aforesaid; and if any Person liable to be examined cannot attend, the Sheriff may grant Commission to take his Examination; and such Examination, whether by the Sheriff or by a Commissioner, may be adjourned, if it shall seem fit, to an early Day, to be then fixed: Provided that Persons, other than the Bankrupt, summoned to attend for Examination shall be entitled to such Allowances as Witnesses are in other Cases entitled to, and the Amount of which, if disputed, shall be fixed by the Sheriff.

Bankrupt and others must answer lawful Ques-

XCII. The Bankrupt and such other Persons shall answer all lawful Questions relating to the Affairs of the Bankrupt; and the Sheriff may order such Persons to produce for Inspection any Books

tions, and produce Documents.

of Account, Papers, Deeds, Writings, or other Documents in their Custody relative to the Bankrupt's Affairs, and cause the same, or Copies thereof, to be delivered to the Trustee.

Mode of Examination.

XCIII. The Examination of the Bankrupt, and of such other Persons, shall be taken upon Oath, and shall, except in the Cases already specified, wherein a Commission is allowed to be granted, take place before the Sheriff, and the Bankrupt's Examination shall be taken and may be written or dictated by the Sheriff, and authenticated in the ordinary Way as a regular Deposition; but Notes of the Evidence of such other Persons shall be written by the Sheriff in the Mode prescribed by the Act passed in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Fifty-three, with regard to Proofs in Civil Cases in the Sheriff Courts, except where it shall appear to him necessary to record and authenticate such Evidence, in whole or in part, in the Form of a regular Deposition, and if the Trustee shall make an Application to that Effect the Bankrupt and such other Persons shall be examined in open Court.

Penalty on Refusal to answer, &c.

XCIV. If the Bankrupt or any of such other Persons shall refuse to be sworn, or to answer, to the Satisfaction of the Sheriff, any lawful Question put to him by the Sheriff or Trustee, or by any Creditor with the Sanction of the Sheriff, or without lawful Cause shall refuse to sign his Examination, or to produce Books, Deeds, or other Documents in his Custody or Power relating to the Estate, the Sheriff may grant Warrant to commit him to Prison, there to remain until he comply with the Order, which Warrant shall specify the Question and Answer, Book, Deed, Document, or the Refusal to swear or to sign the Examination; and such Warrant shall not be subject to the Review of the Court of Session, but the Bankrupt or Person imprisoned may apply by written Petition (without Argument) to the Lord Ordinary for a Recal of the Warrant, and the Lord Ordinary shall order the Petition to be served on the Trustee or the Creditor, and shall thereafter hear Parties vivâ voce, and pronounce Judgment.

Penalty on latent Partner of Bankrupt Company not coming forward.

XCV. If any latent Partner of a Company whose Estates have been sequestrated shall not, by Intimation to the Trustee, acknowledge that he is a Partner, on or before the Day appointed for the Examination of the known Partners, he shall not be entitled to the Benefits or Privileges of this Act, unless in an Application for the same he shall satisfy the Lord Ordinary or the Sheriff that the Omission proceeded from innocent Mistake, or Ignorance of the Proceedings, or reasonable Misconception as to his Liability as a Partner, and unless he shall then follow out all necessary Steps for remedying as far as possible the Loss and Inconvenience thence arising.

LXXXVII. The

XCVI. The Bankrupt, before the Close of his Examination, may make such Additions to or Alterations upon the State of his Affairs as may have occurred to him to be necessary to give a full View of his Affairs, which State, with the Additions and Alterations, shall be subscribed by the Sheriff and the Bankrupt; and the Bankrupt shall then take the following Oath, which shall be engrossed in the Sederunt Book, and subscribed as aforesaid, as relative to such State; and when the Bankrupt is a Partner with others, and examined respecting the Affairs of the Partnership, the Words of the Oath shall so far be varied as to make it applicable to the Case:

Bankrupt may correct his State, and then must take Oath inserted in this Act.

'I DO, in the Presence of Almighty God, and as I shall answer to God at the great Day of Judgment, solemnly swear, That the State of my Affairs subscribed by me as relative hereto contains a full and true Account, to the best of my Knowledge and Belief, of all the Debts, of whatever Nature, due to me, and of all my Estate and Effects, Heritable and Moveable, Real and Personal, wherever situated (the necessary Wearing Apparel of myself, my Wife and Family, only excepted), as well as of all Claims which I am entitled to make against any Person or Persons whatsoever, and of all Estate in expectancy, or Means, of whatever kind, to which I have an eventual Right by Contract of Marriage, Trust Deed, Settlement, Deed of Entail, or otherwise; and that the said State likewise contains a full and true Account of all Debts due by me or Demands upon me; and that I have delivered up the whole Books, Documents, Accounts, Title Deeds, and Papers of every kind belonging to me which in any way relate to my Affairs, and which were or are in my Possession or under my Power; and that I have made a full Disclosure of every Particular relating to my Affairs: And further, I promise and swear, That I will forthwith reveal all and every other Circumstance or Particular relative to my Affairs which may hereafter come to my Knowledge, and which may tend to increase or diminish the Estate in which my Creditors may be interested, directly or indirectly.' Oath.

Powers of Second and subsequent Meetings of Creditors.

XCVII. Prior to the Meeting of Creditors after the Examination of the Bankrupt, the Trustee shall prepare a Report setting forth the State of the Bankrupt's Affairs, and an Estimate of what the Estate may produce, which Report he shall exhibit at the Meeting of Creditors, and give all Explanations relative thereto; and the Creditors assembled at such Meeting may receive an Offer of Composition, as herein-after provided, and may, either at this or any other Meeting, give Directions for the Recovery, Management, and Disposal of the Estate; and when any Part of the Estate consists of Land or other Heritable

Report by Trustee after Bankrupt's Examination.

Powers of Creditors over Estate.

Heritable Property, it shall be optional to the Creditors to determine whether the Trustee is to bring such Property to Judicial Sale, or to dispose thereof by voluntary Public Sale, or by Private Sale, as herein-after provided.

Proceedings if Bankrupt do not make a fair Surrender.

XCVIII. If it shall appear to a Majority of the Creditors in Number and Value assembled at any Meeting after the Examination of the Bankrupt, that he has not made a full and fair Surrender of his Estate, or that he has disposed of or concealed any Part of his Funds, to the Prejudice of his Creditors, or that his Bankruptcy has been fraudulent, they may authorize the Trustee to proceed against him in Terms of Law, at the Expense of the Estate.

Calling of and Procedure at Meetings.

When Meetings to be called.

XCIX. The Trustee, or any Commissioner with Notice to the Trustee, may at any Time call a Meeting of the Creditors, and the Trustee shall call such Meeting, when required by One Fourth in Value of the Creditors ranked on the Estate, or by the Accountant.

Notice of Meetings.

C. Notice of the Day, Hour, Place, and Purpose of all Meetings of Creditors under this Act shall be advertised in the Gazette Seven Days at least before the Day of the Meeting, and such Meeting may be adjourned to the following Day.

No Notice to be sent in certain Cases.

CI. It shall not in any Case be necessary to send any Notification of the Day or Place of Meetings by Post to any Creditor whose Debt shall be under Twenty Pounds, unless such Creditor shall have given Directions in Writing that such Notification shall be sent; and no Notification shall be sent to any Creditor who has directed that none shall be sent.

Rules as to computing Majorities.

CII. All Questions at any Meeting of Creditors shall be determined by the Majority in Value of those present and entitled to vote, unless in the Cases herein otherwise provided for; and when, for the Purpose of voting, the Creditors are required to be counted in Number, no Creditor whose Debt is under Twenty Pounds shall be reckoned in Number, but his Debt shall be computed in Value.

Extent of Trustee's Right.

Vesting of Estate in Trustee.

CIII. The Act and Warrant of Confirmation in favour of the Trustee shall ipso jure transfer to and vest in him or any succeeding Trustee, for behoof of the Creditors, absolutely and irredeemably, as at the Date of the Sequestration, with all Right, Title, and Interest, the whole Property of the Debtor, to the Effect following:

1st. The

1st. The Moveable Estate and Effects of the Bankrupt, wherever situated, so far as attachable for Debt, to the same Effect as if actual Delivery or Possession had been obtained, or Intimation made at that Date, subject always to such preferable Securities as existed at the Date of the Sequestration, and are not null or reducible : Vesting of Moveable Estate.

2d. The whole Heritable Estate belonging to the Bankrupt in Scotland, to the same Effect as if a Decree of Adjudication in Implement of Sale, as well as a Decree of Adjudication for Payment and in Security of Debt, subject to no legal Reversion, had been pronounced in favour of the Trustee, and recorded at the Date of the Sequestration, and as if a Poinding of the Ground had then been executed, subject always to such preferable Securities as existed at the Date of the Sequestration, and are not null and reducible, and the Creditors' Right to poind the Ground, as herein-after provided; and the Right of the Trustee shall not be challengeable on the Ground of any prior Inhibition (saving the Effect which such Inhibition may be entitled to in the ranking of the Creditors): Provided always, that such Transfer and vesting of the Heritable Estate shall have no Effect upon the Rights of the Superior, nor upon any Question of Succession between the Heir and Executor of any Creditor claiming on the sequestrated Estate, nor upon the Rights of the Creditors of the Ancestor (except that the Act and Warrant of Confirmation shall operate in their favour as complete Diligence): And if any Part of the Bankrupt's Estate be held under an Entail or by a Title otherwise limited, the Right vested in the Trustee shall be effectual only to the Extent of the Interest in the Estate which the Bankrupt might legally convey, or the Creditors attach : Vesting of Heritable Estate in Scotland.

3d. All Real Estate situated in England, Ireland, or in any of Her Majesty's Dominions, belonging to the Bankrupt, and all Interest in or regarding such Real Estate, which the Bankrupt held, or to which he was entitled: Provided that where, according to the Laws of England, Ireland, or other Her Majesty's Dominions, any Deed or Conveyance would require Registration, Enrolment, or recording, the Act and Warrant of Confirmation shall be so registered, enrolled, or recorded according to the Laws of England, Ireland, or other Her Majesty's Dominions; and if any Purchase is made by any Person for valuable Consideration, and without Notice of the Sequestration, prior to the Registration, Enrolment, or recording of the said Act and Warrant of Confirmation, such Purchase shall not be invalidated by the Existence of such Act and Warrant, or the subsequent Registration, Enrolment, or recording thereof. Vesting of Real Estates in England, Ireland, and other British Dominions.

Acquisitions of Bankrupt after the Sequestration to belong to the Creditors.

CIV. If any Estate, wherever situated, shall, after the Date of the Sequestration, and before the Bankrupt has obtained his Discharge, be acquired by him, or descend or revert or come to him, the same shall ipso jure fall under the Sequestration, and the full Right and Interest accruing thereon to the Bankrupt shall be held as transferred to and vested in the Trustee, as at the Date of the Acquisition thereof or Succession, for the Purposes of this Act; and the Trustee shall, on coming to the Knowledge of the Fact, present a Petition setting forth the Circumstance to the Lord Ordinary, who shall appoint Intimation, to be made in the Gazette, and require all concerned to appear within a certain Time for their Interest; and after the Expiration of such Time, and no Cause being shown to the contrary, the Lord Ordinary shall declare all Right and Interest in such Estate which belongs to the Bankrupt to be vested in the Trustee, as at the Date of the Acquisition thereof or Succession thereto, to the same Effect as is herein-before enacted in regard to the other Estates; and the Proceeds thereof, when sold, shall be divided in Terms of this Act; and if the Bankrupt do not immediately notify to the Trustee that such Estate has been acquired, or has come to him as aforesaid, he shall forfeit all the Benefits of this Act, and it shall be competent to the Trustee to examine him as aforesaid in relation thereto: Provided always, that the Rights of the Creditors of the Person from whom such Estate shall come or descend to the Bankrupt shall be reserved entire.

Subjects improperly included in Sequestration may be struck out.

CV. Any Person claiming Right to any Estate included in the Sequestration may present a Petition to the Lord Ordinary, praying to have such Estate taken out of the Sequestration, and the Lord Ordinary shall order the Trustee to answer within a certain Time, and on Expiration of such Time he shall proceed to dispose of the Application.

Trustee may complete Feudal Titles or grant such Rights as Bankrupt could do.

CVI. The Bankrupt shall, if required, grant all Deeds necessary for recovering his Property and feudally vesting his Heritable Estate in the Trustee for the Purposes of this Act; and if the Bankrupt's Title to any Estate has not been completed, the Trustee may complete Titles in his own Person, whom failing, in favour of any Trustee who may succeed him, for Behoof of the Creditors, or in the Person of the Bankrupt; and Superiors shall, if required, enter the Trustee or the Purchaser from him in Terms of Law; and the Trustee may, without making up a Feudal Title in his Person, and without Concurrence of the Bankrupt, grant Conveyances of the Heritable Estate belonging to the Bankrupt, with such Procuratories, Precepts, or other Warrants, as the Bankrupt might competently have granted, which Conveyances shall be as effectual to the Purchaser as if they had been granted by the

the Bankrupt with Concurrence of the Trustee, and shall not be affected by any Inhibition against the Bankrupt, reserving the Effect of such Inhibition in the ranking.

Trustee may get Property transferred to him, although the Heir of the Bankrupt has made up Titles.

CVII. When Sequestration is awarded against the Estate of a Person after his Death, and his Successor has made up a Title to his Heritable Estate, the Trustee may apply by Petition to the Lord Ordinary, praying that such Estate shall be transferred to and vested in him, and the Lord Ordinary shall order the Petition to be served upon such Successor, and require him to answer the same within Fourteen Days; and an Abbreviate of such Petition and Deliverance, in Terms of the Schedule (A. No. 3.) hereunto annexed, being recorded in the Register of Inhibitions kept at Edinburgh, shall have the Effect of an Inhibition, and the Keeper of the Register shall write on the said Abbreviate a Certificate in Terms of the said Schedule (A. No. 2.); and if on Expiration of that Period no Cause is shown to the contrary, the Lord Ordinary shall declare such Estate to be transferred to and vested in the Trustee, as at the Date of the Sequestration, to the ame Effect as is herein-before provided in regard to the Act and Warrant of Confirmation; and the Trustee shall, within Eight Days thereafter, cause an Abbreviate of such Petition and Deliverance to be recorded in the Register of Abbreviates of Adjudications, in Terms of the Schedule (E. No. 3.) hereunto annexed, and the Keeper of the said Register shall write on such Abbreviate a Certificate in Terms of the said Schedule (E. No. 2.)

Decree to be recorded in the Register of Adjudications.

Effect of Sequestration on Ranking of Creditors.

Sequestration equivalent to an Adjudication in Competition;

CVIII. The Sequestration shall, as at the Date thereof, be equivalent to a Decree of Adjudication of the Heritable Estates of the Bankrupt for Payment of the whole Debts of the Bankrupt, Principal and Interest, accumulated at the said Date, and when the Sequestration is dated within Year and Day of any effectual Adjudication, the Estate shall be disposed of under the Sequestration according to the Provisions of this Act: Provided, that nothing herein contained shall affect the Rights of any Heritable Creditor holding a Power of Sale preferable to the Powers of the Trustee.

And to Arrestment and Poinding.

Diligence on or after Sixtieth Day before Sequestration, or after it, ineffectual.

CIX. The Sequestration shall, as at the Date thereof, be equivalent to an Arrestment in Execution and Decree of Forthcoming, and to an executed or completed Poinding; and no Arrestment or Poinding executed of the Funds or Effects of the Bankrupt on or after the Sixtieth Day prior to the Sequestration shall be effectual; and such Funds or Effects, or the Proceeds of such Effects, if sold, shall be made forthcoming to the Trustee: Provided, that any Arrester or Poinder before the Date of the Sequestration who shall

Expenses of Diligence.

be thus deprived of the Benefit of his Diligence shall have Preference out of such Funds or Effects for the Expense bonâ fide incurred by him in such Diligence.

Interruption of Prescription.

CX. The presenting of or concurring in a Petition for Sequestration, or the lodging a Claim in the Hands of the Trustee, or the Sheriff, or Preses at any Meeting of Creditors, shall interrupt Prescription of the Debt of the Creditor so petitioning, concurring, or claiming, and in regard to such Debt shall bar the Effect of any Statute of Limitations in England or Ireland, or other Her Majesty's Dominions, and although this Sequestration shall be recalled, such Interruption or Bar shall, notwithstanding, be effectual.

Preferences in case of a deceased Debtor.

CXI. When the Sequestration of the Estates of a deceased Debtor is dated within Seven Months after his Death, any Preference or Security for any prior Debt acquired by legal Diligence on or after the Sixtieth Day before his Death, or subsequent to his Death, and any Preference or Security acquired for a prior Debt by any Act or Deed of the Debtor which has not been lawfully completed for a Period of more than Sixty Days before his Death, and any Confirmation as Executor-Creditor after the Debtor's Death, shall in these several Cases be of no Effect in competition with the Trustee; and the Estates and Effects over which such Preferences or Securities shall have been obtained, or of which Confirmation shall have been expede, shall belong to the Trustee: Provided, that the Creditor who is so deprived of the Benefit of his Diligence or Confirmation shall have Preference for Payment out of the said Estates or Effects of the Expenses bonâ fide incurred by him in such Diligence or Confirmation.

Acts and Payments by Bankrupt after Sequestration null, except in certain Cases.

CXII. All Payments and Preferences or Securities obtained by or granted to prior Creditors, and all Acts done or Deeds granted by the Bankrupt after the Date of the Sequestration and before his Discharge out of or in relation to the Estate (unless with the Consent of the Trustee), shall, in the event of Sequestration being awarded, be null and void; and the Trustee shall be entitled to such Preference or Security, and to any Money so paid, deducting any Expense bonâ fide incurred; but if a bonâ fide Purchaser is in possession of Moveable Effects received from the Bankrupt after Sequestration, but in Ignorance thereof, and when ignorant thereof for a Price paid, or which he is ready to pay, he shall not be obliged to restore the Effects; and if a Debtor, in Ignorance of the Sequestration, have paid his Debt bonâ fide to the Bankrupt, he shall not be obliged to pay it a Second Time to the Trustee; and if the Possessor of any Bill or Promissory Note, which is payable by the Bankrupt, with Recourse

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on other Parties, or of a Security for a Debt due by the Bankrupt, shall have received Payment of his Debt from the Bankrupt in Ignorance of the Sequestration, and given up such Bill, Promissory Note, or Security to the Bankrupt, such Person shall not be liable to repay to the Trustee the Amount so received, unless the Trustee shall replace him in the Situation in which he stood, or reimburse him for any Loss or Damage.

Realization of Heritable Estate.

Sale of Heritable Estate by Creditor.

CXIII. A Creditor holding a Security over the Heritable Estate of the Bankrupt, preferable to the Right of the Trustee, with a Power to sell, may sell, in Terms of his Security, notwithstanding the Sequestration, and it shall be competent to the Trustee to concur therein in order to fortify the Title; and the Trustee or any posterior Heritable Creditor preferable to him may, by Petition to the Lord Ordinary or to the Sheriff, compel the said Creditor and the Purchaser to account for any Reversion of the Price.

Creditor infeft on Adjudication may sell.

CXIV. A Creditor who has been infeft for Two Years on a Decree of Adjudication, or Creditors who have been conjoined pari passu in such Decrees and have been infeft thereon for Two Years, whether the Estates of the Debtor have been sequestrated or not, shall have Power to sell the Lands or Heritages adjudged by him or them, irredeemably, in like Manner and under the same Provisions and Conditions as an Heritable Creditor, holding a Bond and Disposition in Security with a Power of Sale in the Form of Schedule (A.) annexed to the Act passed in the Tenth and Eleventh Year of the Reign of Her present Majesty, Chapter Fifty, and duly recorded in Terms of the said Act: Provided that he or they shall be liable to account to the Debtor or his Representatives for the Price received by him or them under such Sale, after Deduction of his or their Debts, Principal, Interest, Penalty, and Expenses, as specified in the said Act.

Sale by Trustee with Concurrence of Heritable Creditors.

Discharge of Burdens on Sale.

CXV. If a Creditor holding an Heritable Security, with a Power to sell, concur with the Trustee in bringing the Estate to Sale, the Trustee shall sell the same in his own Name, and the Articles of Roup and Conveyance to the Purchaser shall be executed by the Trustee, with Consent of such Creditor and the Commissioners; and the Price shall be paid by the Purchaser to the Parties legally entitled thereto, and in so far as not paid at the Time of the Delivery of the Conveyance, it shall be consigned in the Bank in which the Money of the sequestrated Estate is deposited; which Payment or Consignation of the Price shall free and discharge the Estate sold and the Purchaser from the Security of the consenting Creditor, whether the Debt in such Security be satisfied or not, and from all Securities postponed to the Security of such Creditor.

Sale by Trustee alone.

CXVI. If the Creditors, at the Meeting held after the Examination of the Bankrupt, or at any other Meeting called for the Purpose, resolve that the Trustee shall dispose of the Heritable Estate by Public Sale or bring it to Judicial Sale, and if such Resolution has been made before an Heritable Creditor having a Power of Sale shall have commenced Proceedings for Sale, or if such Proceedings, after being commenced prior to the Date of such Resolution, have thereafter been unduly delayed, such Creditor shall not be entitled to interfere with the Sale by the Trustee; and if a Public Sale of the Heritable Estate be resolved on, such Sale shall be made by Auction at the Upset Price and in the Manner which shall be fixed by the Trustee, with Consent of the Commissioners: Provided always, that the Estate shall not be sold for less than the Upset Price, and that such Upset Price shall not be less than sufficient to pay the Debt, Principal, Interest, and Expenses of the Heritable Creditor.

Trustee may with Approval of Accountant sell by private Bargain.

CXVII. It shall be competent for the Trustee, with Concurrence of a Majority of the Creditors in Number and Value, and of the Heritable Creditors, if any, and of the Accountant to sell the Heritable Estate by private Bargain, on such Terms and Conditions regarding Price and otherwise, as the Trustee, with Concurrence of those Parties, may fix.

Trustee to make up a Scheme of Ranking and Division of Price.

CXVIII. It shall be the Duty of the Trustee to make up a Scheme of Ranking and Division of the Claims of the Heritable Creditors and other Creditors on the Price of the Heritable Estate sold; and such Scheme of Ranking and Division shall be reported by him to the Lord Ordinary or either Division of the Court of Session; and the Judgment thereon shall be a Warrant for Payment out of the Price against the Purchaser of the Heritable Estate.

Court may grant Interim Warrant for Payment out of Price.

CXIX. It shall be competent for the Lord Ordinary or the Court, on Application by the Trustee or any Creditor interested, with a Report thereon by the Accountant in Bankruptcy, and on Cause shown, to grant an Interim Warrant for Payment of preferable Claims out of the Price of the Estate, or to authorize an Interim Scheme of Division out of the Price, which Scheme of Division shall be disposed of as the Scheme of Division already provided for.

Heritable Creditor's Right to poind the Ground limited.

CXX. No Poinding of the Ground which has not been carried into execution by Sale of the Effects Sixty Days before the Date of the Sequestration, and no Decree of Maills and Duties on which a Charge has not been given Sixty Days before the said Date, shall (except to the Extent herein-after provided) be available in any Question

Question with the Trustee: Provided, that no Creditor who holds a Security over the Heritable Estate preferable to the Right of the Trustee shall be prevented from executing a Poinding of the Ground, or obtaining a Decree of Maills and Duties after the Sequestration, but such Poinding or Decree shall, in competition with the Trustee, be available only for the Interest on the Debt for the current half-yearly Term, and for the Arrears of Interest for One Year immediately before the Commencement of such Term.

CXXI. Nothing in this Act contained shall affect the Landlord's Right of Hypothec. Landlord's Hypothec saved.

CXXII. When any Estate is sold publicly by virtue of this Act, it shall be lawful for any Creditor to purchase the same; but the Trustee or Commissioners, or Adjudger, selling as aforesaid, shall not be entitled to purchase. Creditors may purchase.

Payment of Dividends.

CXXIII. The whole Estate, when reduced into Money, shall, after paying all necessary Charges and a Commission to the Trustee, be divided among those who were Creditors of the Bankrupt at the Date of the Sequestration, ranked according to their several Rights and Interests. Realized Estate to be a Fund of Division.

CXXIV. The Wages of Workmen, and of Clerks and Shopmen and Servants employed by the Bankrupt, where such Wages do not exceed Sixty Pounds per Annum, shall be entitled to the same Privilege as the Wages of domestic Servants to the Extent of a Month's Wages prior to the Date of Sequestration being awarded, or where Sequestration is not awarded prior to the Concourse of Diligence for Distribution of the Estate of a Party being Notour Bankrupt. Workmen's Wages to be privileged.

CXXV. To entitle any Creditor to the Payment of the First Dividend, he shall produce, as is herein-before directed, his Oath and Grounds of Debt at least Two Months before the Time fixed for Payment of the First Dividend, when such Time of Payment shall not have been accelerated, or One Month before the Time fixed for Payment of the First Dividend where such Time shall have been accelerated; and to entitle any Creditor to Payment of any of the subsequent Dividends, he shall produce, as aforesaid, his Oath and Grounds of Debt at least One Month before the Time fixed for Payment of the Dividend which he means to claim: Provided that if a Creditor has not produced his Oath and Grounds of Debt in Time to share in the First Dividend, but has done so in Time to share Creditor to produce Oath, &c. Two Months before Payment of First Dividend, and One Month before subsequent Dividends.

share in the Second Dividend, he shall be entitled, on Occasion of Payment of the Second Dividend, to receive out of the first of the Fund (if there be sufficient for that Purpose) an equalising Dividend corresponding to the Dividend he would have drawn if he had claimed in Time for the First Dividend; and the same Rule shall apply as to all subsequent Dividends.

Creditors resident abroad may lodge Oath at later Periods.

CXXVI. When any Creditor not resident within Great Britain or Ireland at the Date of the Deliverance awarding Sequestration, or at any Time within Five Months thereafter, shall lodge his Oath and Grounds of Debt Fourteen Days previous to any Time fixed for Payment of a Dividend, though not in Time to entitle such Creditor to participate in such Dividend, the Trustee shall make such Deduction from the divisible Fund as shall be equal to the Dividend which would have been payable to such Creditor had his Oath and Grounds of Debt been timeously lodged and his Claim been sustained; and the Sum so deducted shall form Part of the Fund for Division on the Occasion of Payment of the next Dividend.

Trustee to make up and exhibit to Commissioners State of Funds.

CXXVII. Immediately on the Expiration of Four Months from the Date of the Deliverance actually awarding Sequestration, the Trustee shall proceed to make up a State of the whole Estate of the Bankrupt, of the Funds recovered by him, and of the Property outstanding (specifying the Cause why it has not been recovered), and also an Account of his Intromissions, and generally of his Management; and within Fourteen Days after the Expiration of the said Five Months the Commissioners shall meet and examine such State and Account and ascertain whether the Trustee has lodged the Moneys recovered by him in Bank or not, and if he has failed to do so they shall debit him with a Sum at the Rate of Twenty Pounds on every Hundred Pounds not so lodged, and so after that Rate on any larger or smaller Sum, being not less than Fifty Pounds; and they shall audit his Accounts, and settle the Amount of his Commission, and authorize him to take Credit for such Commission in his Accounts with the Estate; and they shall certify, by a Writing under their Hands engrossed or copied in the Sederunt Book, the Balance due to or by the Trustee in his Account with the Estate as at the Expiration of the said Five Months; and they shall declare whether any and what Part of the net Produce of the Estate, after making a reasonable Deduction for future Contingencies, shall be divided among the Creditors.

Commissioners to resolve as to Payment of Dividend: &c.

Trustee to examine and reject or admit Claims,

CXXVIII. The Trustee shall also within the said Fourteen Days examine the Oaths and Grounds of Debt, and in Writing reject or admit them, or require further Evidence in support thereof, for which Purpose

Purpose he may examine the Bankrupt, Creditor, or any other Party on Oath relative thereto; and in case he shall reject any Claim, he shall in his Deliverance state the Grounds of such Rejection; and he shall complete the List of the Creditors entitled to draw a Dividend, specifying the Amount of their Debts, with Interest thereon to the Date of the Sequestration, and distinguishing whether they are ordinary Creditors or preferable or contingent, and he shall make up a separate List of any Creditors whose Claims he has rejected in whole or in part.

and make up List of Creditors entitled to Payment of Dividend;

CXXIX. The Trustee shall give Notice in the Gazette published next after Expiration of such Fourteen Days, of the Time and Place of the Payment of the Dividend, and also notify the same by Letters put into the Post Office on or before the First lawful Day after the said Fourteen Days, addressed to each Creditor, in which he shall specify the Amount of the Claim and proposed Dividend thereon, and when he has rejected any Claim he shall notify the same to the Claimant by Letter as aforesaid, which Letter shall also contain a Copy of his Deliverance, and specify the Amount of the Claim, and the Dividend to which the rejected Claimant would be entitled if not rejected, or as near to the Amount thereof as Circumstances will permit; and a Certificate by the Trustee or an Execution by a Messenger or Sheriff Officer that such Letters have been put into the Post Office shall be sufficient Evidence thereof; and if any Creditor be dissatisfied with the Decision of the Trustee, he may appeal by a short written Note to the Lord Ordinary or to the Sheriff; but if no such Note be lodged with and marked by the Bill Chamber or Sheriff Clerk (as the Case may be) before the Expiration of Fifteen Days from the Date of the Publication in the Gazette of the said Notice, the Decision of the Trustee shall be final and conclusive so far as regards that Dividend; and in case the Claim have been rejected, such Decision shall be without Prejudice to any new Claim being afterwards made in reference to future Dividends, but which new Claim shall not disturb prior Dividends.

and to publish and send Notices of Payment of Dividend.

Creditors may appeal within a limited Period.

CXXX. The Trustee shall, before the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, make up a Scheme of Division of the Fund directed by the Commissioners to be divided, and apportion the same, according to their respective Rights, among those Creditors whose Claims have been sustained by him or by the Lord Ordinary or Sheriff, or who shall have appealed against his Decision, and which Scheme shall be patent to all concerned.

Trustee to make up a Scheme of Division.

CXXXI. On the First lawful Day after the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration,

Dividends to be paid, and those disputed or

claimed by contingent Creditors to be lodged in Bank.

tration, and at the Place appointed, the Trustee shall pay to the Creditors the Dividends allotted to them respectively in Terms of the said Scheme; and he shall lodge the Dividends apportioned to those Claims which are under Appeal, but not finally determined, and the Dividends effeiring to contingent Creditors or other Claimants, not then entitled to uplift the same, in the Bank appointed by the Creditors, or failing such Appointment, in any Joint Stock Bank of Issue in Scotland in a separate Account, or if the Money be deposited in Bank, he shall transfer it to a separate Account in Name of himself and the Commissioners, to remain therein until the said Appeals be disposed of or the Dividends become payable.

Second Dividend.

Trustee to make up State, &c., and Commissioners to resolve as in case of First Dividend.

CXXXII. On the Expiration of Eight Months from the Date of the Deliverance actually awarding Sequestration, the Trustee shall again make up a State as herein-before provided, which he shall within Fourteen Days after the Expiration of the said Eight Months exhibit to the Commissioners, who shall meet and examine and audit the same, and perform the other Acts and Duties incumbent on them, in manner before specified, and direct a Second Dividend to be paid, if there shall be Funds to pay the same; and if the Commissioners shall direct a Dividend to be paid, the Trustee shall also make up Lists of the Creditors who are entitled and who are not entitled to Payment of the Dividend, and frame a Scheme of Division, and notify in the Gazette and by Letters, and any Creditor may appeal, all as is herein-before provided with respect to the First Dividend: Provided that no Appeal by a Creditor shall be competent unless the Note of Appeal be lodged within Fifteen Days of the Date of Notification in the Gazette.

Dividend to be paid.

CXXXIII. On the First lawful Day after the Expiration of Nine Months from the Date of the Deliverance actually awarding Sequestration, the Trustee shall make Payment of the Second Dividend to those Creditors who are entitled thereto, and shall lodge the Dividend disputed or not then payable, all as herein-before provided with respect to the First Dividend.

Subsequent Dividends.

Same Proceedings as in prior Dividends.

CXXXIV. The like Procedure shall be followed out as to subsequent Dividends at similar Intervals of Time thereafter, in order that a Dividend may be made on the First lawful Day after the Expiration of every Three Months from the Day of Payment of the immediately preceding Dividend, until the whole Funds of the Bankrupt shall be divided.

Dividends may be accelerated in

CXXXV. After the Second Dividend is made, a Majority of the Creditors, at any General Meeting called for the Purpose, may determine

determine that future Dividends shall be made at shorter Intervals, and the Affairs of the Estate brought to a more speedy Close; and even before the Period assigned for the First Dividend as aforesaid, it shall be competent to Three Fourths in Number and Value of the Creditors present at the Meeting after the Bankrupt's Examination, or at any subsequent Meeting called for the Purpose, to direct the Trustee to apply to the Lord Ordinary or the Sheriff for Authority to make the First Dividend at an earlier Period than the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, but not earlier than Four Months from such Date, if upon Cause shown it shall be found expedient so to do, and also to accelerate the Time for making the Second and other Dividends; and when the Lord Ordinary or the Sheriff shall upon such Application, accelerate the First or any subsequent Dividend, which he is hereby empowered to do, he shall also make the requisite Provision for the Acceleration of any other Matters which he may find it necessary to accelerate in consequence thereof. certain Cases.

CXXXVI. If it shall appear to the Commissioners that a Dividend ought to be postponed, they may do so till the Recurrence of another stated Period for making a Dividend, and they shall authorize the Trustee to give a Notice to that Effect in the next Gazette. Proceedings when Commissioners postpone the Dividend.

CXXXVII. In Cases where the sequestrated Estate consists chiefly of Land, and in any other Cases where it may be necessary, it shall be competent for the Court of Session or the Lord Ordinary, on a special Application by the Trustee and Commissioners, to authorize such Alteration in the Periods above mentioned for Payment of Dividends as shall be found most suitable to the Circumstances of the Case. Where Estate is chiefly Land Periods of Payment may be altered.

CXXXVIII. If on the Lapse of Twelve Months from the Date of the Deliverance actually awarding Sequestration it shall appear to the Trustee and Commissioners expedient to sell the Heritable or Moveable Estates not disposed of, and any Interest which the Creditors have in the outstanding Debts and consigned Dividends, they shall fix a Day for holding a Meeting of the Creditors to take the same into consideration; and the Trustee, besides advertising the same in the Gazette, shall, Fourteen Days before the Day appointed, send by Post to each Creditor claiming on the Estate a Notice of the Time and Place of the Meeting, with a Valuation of the Estates and of the outstanding Debts and the consigned Dividends; and if Three Fourths in Value of the Creditors assembled at the Meeting shall decide in favour of a Sale, in whole or in Lots, the Trustee shall cause the Estates, Debts, and Dividends to be sold by Winding up of Estate.

Auction, after Notice thereof published at least One Month previous to the Sale, once in the Gazette, and in such other Newspapers as the Creditors at the Meeting shall appoint.

Discharge of Bankrupt.

1st. On Composition.

Offer of Composition may be made at the Meeting for Election of Trustee.

CXXXIX. At the Meeting for Election of Trustee the Bankrupt or his Friends, or, in case of his Decease, his Successors, and in case of a Company, One or more of the Partners thereof, may offer a Composition to the Creditors on the whole Debts, with Security for Payment of the same; and if the Majority of the Creditors in Number and Nine Tenths in Value present at such Meeting shall resolve that the Offer and Security shall be entertained for Consideration, the Trustee shall forthwith advertise in the Gazette a Notice that an Offer of Composition has been so made and entertained, and that it will be decided upon at the Meeting to be held after the Examination of the Bankrupt, and shall specify the Hour, Day, and Place, and also transmit by Post Letters to each of the Creditors claiming on the Estate, or mentioned in the Bankrupt's State of Affairs, containing a Notice of such Resolution, and of the Day and Hour at which, and the Place where, such Meeting is to be held, and specifying the Offer and Security proposed, and giving an Abstract of the State of the Affairs and of the Valuation of the Estate, so far as the same can be done, to enable the Creditors to judge of such Offer and Security.

Offer, if entertained, to be disposed of at the Meeting after the Bankrupt's Examination.

CXL. If at the Meeting held after the Examination of the Bankrupt a Majority in Number and Nine Tenths in Value of the Creditors there assembled shall accept such Offer and Security, a Bond of Caution for Payment of the Composition, executed by the Bankrupt or his Successors, or the Partners of a Company (as the Case may be), and the proposed Cautioner, shall be forthwith lodged in the Hands of the Trustee; and the Trustee shall thereupon subscribe and transmit a Report of the Resolution of the Meeting, with the said Bond, to the Bill Chamber Clerk or Sheriff Clerk, in order that the Approval of the Lord Ordinary or Sheriff (whichever may be selected by the Trustee) may be obtained thereto; and if the Lord Ordinary or the Sheriff, after hearing any Objections by Creditors, shall find that the Offer, with the Security, has been duly made, and is reasonable, and has been assented to by a Majority in Number and Nine Tenths in Value of all the Creditors assembled at the said Meeting, he shall pronounce a Deliverance approving thereof: Provided that he shall hear any Objection by opposing Creditors; and if he shall refuse to sustain the Offer or reject the Vote of any Creditor, he shall specify the Grounds of Refusal or Rejection.

Lord Ordinary or Sheriff to approve.

CXLI. In

Offer of Composition may also be made at Meeting after Bankrupt's Examination.

CXLI. In like Manner, at the Meeting held after the Examination of the Bankrupt, or at any subsequent Meeting called for the Purpose by the Trustee, with the Consent of the Commissioners, the Bankrupt, or his Friends, or in case of his Decease his Successors, or any of them, and in the Case of a Company One or more of the Partners thereof, may offer a Composition to the Creditors on the whole Debts, with Security for Payment of the same; and if a Majority in Number and Four Fifths in Value of the Creditors present shall resolve that the Offer and Security shall be entertained for Consideration, the Trustee shall call another Meeting to be held at a specified Hour on a specified Day, being not less than Twenty-one Days thereafter, and at a specified Place, and shall, Seven Days at least before such other Meeting, send by Post Letters addressed to each of the Creditors who have claimed on the Estate or are mentioned in the Bankrupt's State of Affairs, which Letter shall contain a Notice of such Resolution, and of the Hour, Day, and Place, and Purpose of the Meeting, and specify the Offer and Security proposed, and give an Abstract of the State of the Affairs and Valuation of the Estate, so far as can be done, to enable the Creditors to judge of such Offer; and if at the Meeting so called a Majority in Number and Four Fifths in Value of the Creditors present shall accept the said Offer and Security, a Bond of Caution shall be lodged and a Report made, and a Deliverance pronounced, all in the same Manner and to the same Effect as is herein-before provided.

Bankrupt on making Declaration or Oath to obtain his Discharge.

CXLII. On such Deliverance being pronounced, approving of the Composition in either of the Cases above specified, the Bankrupt, or if deceased his Successor or other Party offering the Composition, shall make a Declaration, or if required by the Trustee or any Creditor, an Oath, before the Lord Ordinary or the Sheriff (as the Case may be), that he has made a full and fair Surrender of his Estate, and has not granted or promised any Preference or Security, or made or promised any Payment, or entered into any secret or collusive Agreement or Transaction, to obtain the Concurrence of any Creditor to such Offer and Security; and if the Bankrupt shall be at the Time beyond the Jurisdiction of the Lord Ordinary or Sheriff, or is by a lawful Cause prevented from appearing before the Lord Ordinary or Sheriff, Commission may be granted to any fit Person to take such Declaration or Oath; and the Lord Ordinary or the Sheriff (as the Case may be), on being satisfied with such Oath or Declaration, shall pronounce a Deliverance discharging the Bankrupt of all Debts and Obligations contracted by him, or for which he was liable at the Date of the Sequestration, and shall declare the Sequestration to be at an end, and the Bankrupt re-invested in his Estate (reserving always the Claims of the Creditors for the said

said Composition against him and the Cautioner); and the Bond of Caution shall be recorded in the Books of the Court of Session, or, when such Deliverance is pronounced by the Sheriff, in the Books of the Sheriff Court; and an Extract of such Deliverance, signed by the Clerk of the Bills or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, who shall preserve the same, with the Copy of the Proceedings in the Sequestration transmitted to him, as herein provided; and the Clerk of the Bills or the Sheriff Clerk shall also issue an Abbreviate of such Deliverance in the Form of Schedule (.) hereto annexed, which Abbreviate shall be recorded in the Register of Inhibitions and the Register of Abbreviates of Adjudications at Edinburgh, and the Keepers of the said Registers, if required, shall grant Certificates of such Registration in the Form of Schedule (.) hereto annexed; and such Deliverance of the Lord Ordinary or of the Sheriff shall operate as a complete Discharge and Acquittance to the Bankrupt in Terms thereof, and shall receive Effect within Great Britain and Ireland and Her Majesty's other Dominions, and an Entry thereof shall be made by the Accountant in the Register of Sequestrations.

Trustee's Accounts to be audited before the Composition be approved of.

CXLIII. Before the Lord Ordinary or the Sheriff shall pronounce the Deliverance approving of the Composition, the Commissioners shall audit the Accounts of the Trustee, and ascertain the Balance due to or by him, and fix the Remuneration for his Trouble, subject to the Review of the Lord Ordinary or the Sheriff, if complained of by the Trustee, the Bankrupt, or any of the Creditors; and the Expense attending the Sequestration and such Remuneration shall be paid or provided for to the Satisfaction of the Trustee and Commissioners before such Deliverance is pronounced.

Sequestration to go on, notwithstanding Offer of Composition.

CXLIV. Notwithstanding such Offer of Composition and Proceeding consequent thereon the Sequestration shall continue, and the Trustee shall proceed in the Execution of his Duty as if no such Offer had been made, until the Deliverance by the Lord Ordinary or the Sheriff be pronounced, when the Sequestration shall cease and be at an end, and the Trustee be exonered and discharged: Provided nevertheless, that the Trustee and his Cautioner shall be liable, on Petition to the Lord Ordinary or Sheriff by the Bankrupt or his Cautioner for the Composition, to account for his Intromissions and other Acts as Trustee.

Bankrupt and Cautioner not to be entitled to object to certain Debts.

CXLV. Neither the Bankrupt, nor his Successor offering the Composition, nor the Cautioner for the Composition, shall be entitled to object to any Debt which the Bankrupt has given up in the State of his Affairs as due by him, or admitted without Question to be reckoned

reckoned in the Acceptance of the Offer of Composition, nor to object to any Security held by any Creditor, unless in the Offer of Composition such Debt or Security shall be stated as objected to, and Notice in Writing given to the Creditor in right thereof.

Claims against Cautioner limited in certain Cases to Two Years.

CXLVI. No Person who has not produced an Oath as a Creditor before the Date of the Deliverance approving of the Composition, shall be entitled to make any Demand against the Cautioner after the Space of Two Years from the Date of such Deliverance, reserving to such Creditor his Claim for the Composition against the Bankrupt and his Estate.

If Offer of Composition rejected, no other to be entertained unless Nine Tenths of Creditors ranked shall agree.

CXLVII. If an Offer of Composition have been made and rejected, or have become ineffectual, no other Offer of Composition shall be entertained unless Nine Tenths in Number and Value of all the Creditors ranked or entitled to be ranked on the Estate shall assent in Writing to such Offer, which Offer shall state the Amount of Composition and the Terms of Payment, and be subscribed by the Cautioner proposed, in which Case a Meeting shall be called in manner before directed by the Trustee for finally disposing of the same; and if at the Meeting so called a Majority in Number and Nine Tenths in Value of the Creditors present shall accept such Offer and Security, and the same shall be assented to by Nine Tenths in Value of all the Creditors who have produced Oaths as aforesaid, a Bond of Caution shall be lodged and a Report made, and Deliverances pronounced, and the other Proceedings shall take place and have effect in the same Manner as is herein-before provided for other Offers of Composition.

2d. Without Composition.

Proceedings for this Purpose.

May be discharged with Consent of Creditors.

CXLVIII. The Bankrupt may at any Time after the Meeting held after his Examination petition the Lord Ordinary or the Sheriff to be finally discharged of all Debts contracted by him before the Date of the Sequestration, provided that every Creditor who has produced his Oath as aforesaid shall concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, provided a Majority in Number and Four Fifths in Value of the Creditors who have produced Oaths concur in the Petition, and the Bankrupt may also present such Petition on the Expiration of Twelve Months from the Date of the Deliverance actually awarding Sequestration, provided a Majority in Number and Two Thirds in Value of the Creditors concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of Eighteen Months from the Date of the Deliverance actually awarding Sequestration, provided a Majority

After Two Years may be discharged without Consent.

in Number and Value concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of Two Years from the Date of the Deliverance actually awarding Sequestration without any Consents of Creditors; and the Lord Ordinary or the Sheriff, as the Case may be, shall in each of the Cases aforesaid order the Petition to be intimated in the Gazette and to each Creditor; and if, at the Distance of not less than Twenty-one Days from the Publication of such Intimation, and on Evidence being produced of Concurrence as aforesaid, where such Concurrence is required, there be no Appearance to oppose the same, the Lord Ordinary, or the Sheriff, as the Case may be, shall pronounce a Deliverance finding the Bankrupt entitled to a Discharge; but if Appearance be made by any of the Creditors or by the Trustee, the Lord Ordinary or the Sheriff, as the Case may be, shall judge of any Objections against granting the Discharge, and shall either find the Bankrupt entitled to his Discharge, or refuse the Discharge, or defer the Consideration of the same for such Period as he may think proper, and may annex such Conditions thereto as the Justice of the Case may require: Provided that no Discharge shall be granted to the Bankrupt where under the Provisions of this Act he is only entitled to apply for a Decree of Cessio; and provided also, that it shall not be competent for the Bankrupt to present a Petition for his Discharge, or to obtain any Consent of any Creditor to such Discharge, until the Trustee shall have prepared a Report with regard to the Conduct of the Bankrupt, and as to how far he has complied with the Provisions of this Act, and, in particular, whether the Bankrupt has made a fair Discovery and Surrender of his Estate, and whether he has attended the Diets of Examination, and whether he has been guilty of any Collusion, and whether his Bankruptcy has arisen from innocent Misfortunes or Losses in Business, or from culpable or undue Conduct; and such Report may be prepared by the Trustee, upon the Requisition of the Bankrupt, at any Time after the Bankrupt's Examination, but shall not be demandable from the Trustee till the Expiration of Five Months from the Date of the Deliverance actually awarding Sequestration; and such Report shall be produced in the Proceedings for the Bankrupt's Discharge, and shall be referred to by its Date, or by other direct Reference, in any Consent to his Discharge.

Bankrupt to make a Declaration or Oath before obtaining Discharge.

CXLIX. If the Bankrupt shall be found entitled to his Discharge he shall make a Declaration, or if required by the Trustee or any Creditor, an Oath, before the Lord Ordinary or Sheriff, that he has made a full and fair Surrender of his Estate, and has not granted or promised any Preference or Security, nor made or promised any Payment, nor entered into any secret or collusive Agreement or Transaction, to obtain the Concurrence of any Creditor to his Discharge;

charge; and if the Bankrupt shall be at the Time beyond the Jurisdiction of the Lord Ordinary or Sheriff, or is by lawful Cause prevented from coming before the Lord Ordinary or Sheriff, Commission may be granted to any fit Person to take such Declaration or Oath; and the Lord Ordinary or the Sheriff, as the Case may be, on being satisfied with such Declaration or Oath, shall pronounce a Deliverance discharging the Bankrupt of all Debts and Obligations contracted by him or for which he was liable at the Date of the Sequestration; and when the Deliverance discharging the Bankrupt is pronounced by the Lord Ordinary or Sheriff, an Extract thereof, signed by the Clerk of the Bills or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, who shall preserve the same with the Copy of the Proceedings in the Sequestration transmitted to him, and another Extract thereof, signed as aforesaid, shall be transmitted to the Keeper of the Register of Inhibitions at Edinburgh, who shall enter the same in the said Register; and such Deliverance by the Lord Ordinary or the Sheriff shall operate as a complete Discharge and Acquittance to the Bankrupt in Terms thereof, and shall receive effect within Great Britain and Ireland and all Her Majesty's other Dominions; and an Entry thereof shall be made by the Accountant in the Register of Sequestrations.

Preferences and Collusions for procuring Discharge to be void.

Preferences, Payments, and collusive Agreements for Discharge to be void.

CL. All Preferences, Gratuities, Securities, Payments, or other Consideration not sanctioned by this Act, granted, made, or promised, and all secret or collusive Agreements and Transactions, for concurring in, facilitating, or obtaining the Bankrupt's Discharge, either on or without an Offer of Composition, and whether the Offer be accepted or not, or the Discharge granted or not, shall be null and void; and if during the Sequestration any Creditor shall have obtained any such Preference, Gratuity, Security, Payment, or other Consideration or Promise thereof, or entered into such secret or collusive Consideration or Agreement or Transaction, the Trustee shall be entitled to retain his Dividend, and he or any Creditor ranked on the Estate may present a Petition to the Lord Ordinary or to the Sheriff, praying that such Creditor shall be found to have forfeited his Debt, and be ordained to pay to the Trustee double the Amount of the Preference, Gratuity, Security, Payment, or other Consideration given, made, or promised, and if no Cause be shown to the contrary, Decree shall be pronounced accordingly; and the Sums which in such Case may be recovered shall, under Deduction of the Expenses of recovering the same, be distributed by the Trustee among the other Creditors under the Sequestration; and if the Sequestration shall have been closed, it shall be competent to any Creditor who

shall not have received full Payment of his Debt to raise a Multiplepoinding in Name of the Person who has obtained such Preference, Gratuity, Security, Payment, or other Consideration or Promise as aforesaid, and on the Value of the Preference, Gratuity, or Security, or Amount of the Sum paid or Consideration obtained, being ascertained, double such Value or Amount, together with the Amount of the Debt of the colluding Creditor, shall be ordered to be consigned by him, and shall be divided among the Creditors who were ranked or were entitled to be ranked in the Sequestration, and have not received full Payment of their Debts, and who shall lodge Claims in such Multiplepoinding, according to their respective Rights and Interests: and such Multiplepoinding shall be executed in Terms of Law against the colluding Creditor, and Notice thereof at the same Time be inserted in the Gazette; and in the event of there being any Surplus, after paying the full Debts of the Creditors, and defraying the Expenses of the Sequestration or other Proceeding, the same shall be paid into the Account of Unclaimed Dividends, as herein-after provided.

Bankrupt to forfeit Privileges, if participant in giving such Preferences, &c.

CLI. If the Bankrupt shall have been personally concerned in or cognizant of the granting, giving, or promising any Preference, Gratuity, Security, Payment, or other Consideration, or in any secret or collusive Agreement or Transaction as aforesaid, he shall forfeit all Right to a Discharge and all Benefits under this Act, and such Discharge, if granted, either on or without an Offer of Composition, shall be annulled; and the Trustee or any One or more of the Creditors may apply by Petition to the Lord Ordinary to have such Discharge annulled accordingly.

Trustee's Discharge.

Proceedings for this Purpose.

CLII. After a final Division of the Funds, the Trustee shall call a Meeting of the Creditors, by an Advertisement in the Gazette, to be held not sooner than Twenty-one Days after such Publication, specifying the Time, Place, and Purpose of holding the Meeting, and by Letters addressed by Post to every Creditor who has produced an Oath as aforesaid, to consider as to an Application for his Discharge, and at such Meeting he shall lay before the Creditors the Sederunt Book and Accounts, with a List of unclaimed Dividends, and the Creditors may then declare their Opinion of his Conduct as Trustee, and he may thereafter apply to the Lord Ordinary or the Sheriff, who, on advising the Petition, with the Minutes of the Meeting, and hearing any Creditor, may pronounce or refuse Decree of Exoneration and Discharge; and an Extract of such Decree, signed by the Clerk of the Bills or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, and shall be entered in

in the Register of Sequestrations, and the Bond of Caution for the Trustee delivered up.

Trustees to lodge unclaimed Dividends, &c. in Bank.

CLIII. Every Trustee in any Sequestration shall, before his Discharge, transmit the Sederunt Book to the Accountant who shall thereupon direct the Trustee to deposit the unclaimed Dividends in the same Bank in which Money received by him was lodged under the Provisions of this Act; and the Trustee shall forthwith transfer the whole Dividends not then claimed to such Bank, to be there entered in an Account to be kept under the Title of "Account of Unclaimed Dividends;" and a Book or Books shall be kept in the Office of the Accountant, to be entitled "The Register of Unclaimed Dividends," containing a List, with the Names arranged alphabetically, of all the Creditors entitled to such unclaimed Dividends, and in what Bank deposited, which shall be patent to all Persons, and the Deposit Receipts for such unclaimed Dividends shall be transmitted to the Accountant; and after the Discharge of the Trustee it shall be competent to any Person, producing Evidence of his Right, to apply to the Lord Ordinary for Authority to receive such Dividends, and on the Lord Ordinary being satisfied of the Claimant's Right, a Warrant shall be granted for Payment of such Dividend, whereof the Accountant shall make an Entry in the said Register, and upon such Warrant the Bank shall pay the same: Provided that the Claimant shall not be entitled to Interest on such Dividend, but such Interest shall go into a general Fund, of which an Account shall be kept by such Bank, to be called "The Interest Account of Unclaimed Dividends," and which Fund shall be applied in such Manner as shall be regulated by any Act of Parliament; and if at the End of Twenty-five Years from the Date of closing any Sequestration there shall remain in the Bank any unclaimed Dividends belonging to the Estate, the same shall be vested in Government Stock, and the Dividends thereon shall be regularly accumulated for the Purpose of forming a Fund for defraying the Expense of Proceedings in Bankruptcy or otherwise, as Parliament shall hereafter direct; and such Bank shall once yearly at least balance the said Accounts, and accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest as Principal; and if any such Bank fail to do so, such Bank shall be liable to account as if such Money had been so accumulated.

Claimants showing Right to apply to Lord Ordinary for Authority to receive Dividends.

Interest Account of unclaimed Dividends.

Law Accounts to be taxed.

CLIV. All Accounts for Law Business incurred by the Trustee shall before Payment thereof by the Trustee be submitted for Taxation to the Auditor of the Court of Session, or to the Auditor of the Sheriff Court of the County in which the Sequestration was carried on, as may be directed by a General Meeting of the Creditors.

Surplus to be paid to Bankrupt.

CLV. Any Surplus of the Bankrupt's Estate and Effects that may remain after Payment of his Debts, with Interest, and the Charges of recovering and distributing the Estate, shall be paid to the Bankrupt, or to his Successors or Assignees.

Accountant in Bankruptcy.

Appointment of Accountant in Bankruptcy.

CLVI. It shall be lawful for Her Majesty, and Her Heirs and Successors, to appoint a Person versant in Law and Accounts, to be called "The Accountant in Bankruptcy," for performing the Duties of that Office, with such yearly Salary, not exceeding per Annum, payable quarterly out of , and with such Accommodation of Office Rooms, or reasonable Allowance for the same out of the said Fund, as may be fixed by the Commissioners of Her Majesty's Treasury, and the Accountant shall be allowed Clerks; whom he shall appoint, with a Salary not exceeding yearly, which Salaries shall be paid quarterly out of ; and the Accountant shall hold no other Office appointed to by Government, and shall not, directly or indirectly, by himself or any Partner, be engaged in Practice before the Supreme or any inferior Court, and he shall not, directly or indirectly, have any Management of or Intromission with any Money of any Bankrupt Estate under Charge of the Court of Session or of any Sheriff Court, or constituting the Fund in any Process of Sequestration.

Accountant to keep Register of Sequestrations.

CLVII. The Accountant shall keep a Book, entitled "The Register of Sequestrations," in the general Form of Schedule (G.) hereunto annexed, but with such additional Heads as he may find necessary, which Book shall be patent to all concerned, and he shall regularly enter therein the Division of the Court to which any Sequestration awarded in the Court of Session is appropriated, or the Sheriff awarding Sequestration and the Sheriff to whom the Sequestration is remitted, the Date of the First Deliverance on every Petition of Sequestration, whether in the Court of Session or Sheriff Court, the Name and Designation of the Debtor, the Place and County of his Residence, Dwelling House, or Place of Business, and the Name and Designation of the petitioning or concurring Creditor, the Date of awarding or recalling Sequestration, the Date of Transmission to the Sheriff (if it has not been awarded by him), the Time and Place appointed for the Election of the Trustee and Commissioners, the Name and Designation of the Trustee and Commissioners, and the Time for lodging Claims in order to obtain Payment of the First Dividend, the Bankrupt's Discharge on Composition or otherwise, and the Trustee's Discharge, with such other Particulars as he may think necessary, for which Purpose the Clerks of the Bill Chamber

Chamber and the Sheriff Clerk of each County shall transmit forthwith to the Accountant a certified Copy of the First Deliverance in Sequestrations awarded in the Court of Session and Sheriff Courts respectively, and the Sheriff Clerk of each County shall at the End of every Period of Three Months transmit to the Accountant regularly a certified Copy of the Proceedings in each Sequestration during the said Period.

Trustee to make an annual Return to Sheriff Clerk, and the Sheriff Clerk to the Accountant.

CLVIII. Each Trustee shall, within Fourteen Days after the Thirty-first Day of October in each Year, or on the first lawful Day after Expiry of the said Fourteen Days, deliver, free of Expense, to the Sheriff Clerk of the County, a Return in the Form of the Schedule (H.) hereunto annexed, of every Sequestration in which he is Trustee; and the Sheriff Clerk shall, within Fourteen Days thereafter, transmit, in the Form of the said Schedule, to the Accountant, a Return of all the Sequestrations depending in the Sheriffdom whereof he is Clerk; and the Accountant shall cause the Returns so made to be regularly bound up and preserved, according to the alphabetical Order of Counties, in a Volume to be kept at all Times in his Office, with an Index thereto, framed by him, and which Volume shall be patent to all concerned; and any Trustee who shall fail to make such Return shall be removable from his Office at the Instance of any One Creditor, or of the Accountant, or subject to such Censure as the Lord Ordinary may think suitable, and be found liable in Expenses.

Accountant in Bankruptcy to superintend Trustee and Commissioners;

CLIX. The Accountant shall take cognizance of the Conduct of all Trustees and Commissioners in Sequestrations, and in the event of their not faithfully performing their Duties, and duly observing all Rules and Regulations imposed on them by Statute, Act of Sederunt, or otherwise relative to the Performance of those Duties, he shall report thereon to the Lord Ordinary in Time of Vacation, or during Time of Session to either Division of the Court of Session, who, after hearing such Trustees or Commissioners thereon, and investigating the whole Matter, shall decide, and shall have Power to censure such Trustees or Commissioners, or remove them from their Office, or otherwise to deal with them as the Justice of the Case may require.

and Returns.

CLX. The Accountant shall superintend the annual Returns required by this Act from Trustees, and frame an annual Report to the Court of Session showing the State of each depending Sequestration returned to him, which Report may be published in the Gazette or otherwise as the Court shall direct; and the Accountant shall have Power, on the Application of One or more

of the Creditors, or of his own Accord, to require Exhibition of the Sederunt Book in any Sequestration, and of any Vouchers or Documents which he may think necessary, and to direct that a Meeting of the Creditors shall be called to take any Measures under Consideration which he may judge requisite for the Preservation or due Management of the Estate or more speedy realizing and Division of the Funds or winding up of the Estate.

To report Disobedience.

CLXI. The Accountant shall at all Times, when requisite, report to the Lord Ordinary or either Division of the Court any Disobedience by the Trustee or Commissioners of any Requisition or Order by him, and generally any Matter which he may deem it necessary for the due Discharge of his Office to bring before the Lord Ordinary or the Court, and it shall be competent for the Lord Ordinary or the Court to deal summarily with the Matter reported, as accords of Law.

To give information to Lord Advocate.

CLXII. If the Accountant shall possess Information that shall lead him, on reasonable Grounds, to suspect fraudulent Conduct by the Bankrupt, or Malversation or Misconduct on the Part of the Trustee or Commissioners, such as may infer Punishment, he shall be entitled to give Information to Her Majesty's Advocate, who shall direct such Inquiry and take such Proceedings therein as he shall think proper.

Judicial Power for winding up the Estates of Parties deceased.

Application for Judicial Factor on Estates of Persons deceased.

CLXIII. It shall be competent to One or more Creditors of Parties deceased to the Amount of One hundred Pounds, or to Persons having an Interest in the Succession of such Parties, in the event of the Deceased having left no Settlement appointing Trustees or other Parties having Power to manage his Estate or Part thereof, or in the event of such Parties not accepting or acting, to apply by Summary Petition to either Division of the Court for the Appointment of a Judicial Factor, and, after such Intimation of the Petition to the Creditors of the Deceased, and other Persons interested, as may be considered necessary, and after hearing Parties, the Court may appoint such Factor, subject to such Conditions as to Caution, and such other Conditions as the Court may provide by Act of Sederunt; and such Factor shall manage the Estate, recover Debts due to it, realize the Moveable Effects by Public or Private Sale, as may be most expedient, dispose of the Heritable Estate by Public Sale or Private Bargain, according to such Directions as the Court, on Report of the Accountant, may give, and shall apply the free Proceeds, after defraying all Expenses in Payment of the Claims of Creditors according to their several Rights and Preferences, conformably

formably to a State of Funds and Scheme of Division to be prepared by him, and considered and approved of by the Court, on a Report by the Accountant; and thereafter the Factor shall account for the Residue, if any, after Payment of Debts and Expenses, to the Parties having a Right to the Deceased's Succession: Provided that the Accountant shall regularly examine the Proceedings, Intromissions, and Accounts of such Factor, and report to the Court thereon, from Time to Time, as he may deem expedient, and shall generally exercise the like Powers and discharge the same Duties with regard to him as he is empowered and required to exercise and discharge with regard to a Trustee under a Sequestration, but subject always to the Control of the Lord Ordinary or the Court.

Judicial Factor's Duties to be regulated by Act of Sederunt.

CLXIV. The Court shall have full Power to regulate by Act of Sederunt the Caution to be found by such Factor, the Mode in which he shall proceed in realizing and dividing the Funds, and otherwise in the Discharge of his Duties, and any other Matter which they may deem necessary.

Application of Trustees on Estate of deceased Parties for Supervision of Accountant.

CLXV. If a Party deceased has left a Settlement, appointing Trustees or other Parties having Power to manage his Estate as aforesaid, it shall nevertheless be competent for the Trustees under the Settlement, with or without Concurrence of the Creditors of the Deceased and of the Persons interested in his Succession, to apply in like Manner to the Court, and obtain from them an Order on the Accountant to superintend the Administration of the Estate, in which Case he shall exercise the like Powers and discharge the like Duties, under the Control of the Lord Ordinary or the Court, which have been provided for in the preceding Sections.

Process of Cessio Bonorum.

Cessio Bonorum.

CLXVI. Any Trustee or Trustees to whom the Pursuer of a Cessio shall grant a Conveyance of his Estate and Effects for behoof of his Creditors shall act under the Supervision and Control of the Accountant in like Manner as the Trustee under a Sequestration, and the Accountant shall exercise the like Powers and perform the like Duties as in that Case, but always under the Directions of the Court, for which Purpose it shall be the Duty of every such Trustee, or, failing him, of the Clerk to any such Process in the Court of Session, or of the Clerk of the Sheriff Court in which the Cessio has been granted, to transmit a Note of the same, and Residence of such Trustee, to the Accountant, and the Accountant shall prepare a List of such Processes, and shall require from such

Trustees, at the End of each Period of Three Months, Accounts of their Intromissions, and report on the same to either Division of the Court, and he shall also bring before the Court any Instance of Malversation or Irregularity in such Trustees, whereupon the Court shall be entitled to inflict on them such Censure or Punishment as it may deem just.

When Creditors may resolve that Bankrupt is only entitled to Decree of Cessio.

CLXVII. It shall be competent for a Majority in Number and Value of the Creditors at any Meeting called for the Purpose after the Election of the Trustee, if it shall appear to them that the Estate is not likely to yield free Funds for Division among the ordinary Creditors, after Payment of preferable Debts and Expenses, beyond One hundred Pounds, to resolve that the Bankrupt shall only be entitled to apply for and obtain a Decree of Cessio, and shall have no Right to a Discharge in the Sequestration; and, on such Resolution being passed, it shall be the Duty of the Trustee, after giving Eight Days previous Notice to the Bankrupt, to report such Resolution to the Lord Ordinary, who shall hear Parties, if required, and decide with reference to the whole Circumstances of the Case, with or without a Report from the Accountant, whether such Resolution shall be confirmed or recalled; and if such Resolution shall be confirmed, the Bankrupt shall have no Right to a Discharge in the Sequestration, but shall be entitled to apply for a Decree of Cessio, and the Court shall have Power to grant such Decree in the Sequestration, without requiring the Bankrupt to bring a separate Process, and in all other respects the Sequestration shall be proceeded with in common Form.

Judicial Proceedings.

Appeals, &c. against Resolutions of Creditors and Deliverances of Trustee to the Lord Ordinary or Sheriff.

CLXVIII. It shall be competent to appeal against the Resolutions of the Creditors at Meetings either to the Lord Ordinary or the Sheriff, provided a Note of Appeal shall be lodged with and marked by One of the Clerks of the Bill Chamber within Fourteen Days after the Date of the Meeting at which the Resolution objected to has been passed, or (as the Case may be) in the Hands of and marked by the Sheriff Clerk within the like Period; and it shall in like Manner be competent to appeal against any Deliverance of the Trustee or Commissioners to the Lord Ordinary or the Sheriff, provided the Note of Appeal shall be lodged and marked as aforesaid within Fifteen Days from the Date of the Deliverance; and where any such Appeal is made, or where any Petition or Complaint is presented against the Trustee or Commissioners, or against any of the Creditors, the Lord Ordinary or the Sheriff (as the Case may be) shall appoint a Copy thereof, and of his Deliverance thereon, to be served on the Respondent, or his Mandatory

datory or known Agent, and appoint the Respondent to appear at a specified Diet within such Period as may be reasonable; and the Lord Ordinary or the Sheriff (as the Case may be) shall at such Diet hear Parties vivâ voce, and the Lord Ordinary shall proceed to dispose of the Case, with or without a Record, as he shall consider best; and the Sheriff, without a Record, may decide, provided he shall specify the Facts, and assign the Grounds of his Judgment; but if he shall see Cause he may order Minutes to be lodged by the Parties, containing their Averments in Fact and Pleas in Law, without Argument, and may hold the same as a closed Record, and proceed in a summary Way, and in pronouncing his Judgment he shall assign his Reasons; and it shall be competent to the Lord Ordinary or the Sheriff, where any Resolution of a Meeting of the Creditors is appealed against, to order a new Meeting to be held, in order to reconsider the Resolution.

Review of Sheriff's Judgments

CLXIX. It shall be competent to bring under the Review of the Inner House of the Court of Session, or before the Lord Ordinary in Time of Vacation, any Deliverance of the Sheriff, after the Sequestration has been awarded (except where the same is declared not to be subject to Review), provided a Note of Appeal be lodged with and marked by the Sheriff Clerk, within Eight Days from the Date of such Deliverance, failing which the same shall be final; and such Note, together with the Process, shall forthwith be transmitted by the Sheriff Clerk to the Clerk of the Bill Chamber; and the Lord Ordinary's Decision shall, when not expressly made final by this Act, be subject to Review of the Inner House; and it shall be competent to the Inner House or the Lord Ordinary to remit to the Sheriff, with Instructions.

Review of Lord Ordinary's Judgments.

CLXX. Where any Judgment of the Lord Ordinary is to be brought under Review of the Inner House, the same shall be done by a Reclaiming Note in common Form presented within Fourteen Days from the Date of the Judgment; and such Reclaiming Note shall be disposed of by the Inner House as speedily as the Forms of Court will allow.

Regulation by Sheriff of Interim Possession.

CLXXI. During the Dependence of Appeals or Petitions and Complaints it shall be competent to the Sheriff to give such Orders as may be necessary to regulate the Interim Possession and Administration of the Estate.

Appeals to House of Lords.

CLXXII. If any Appeal shall be made to the House of Lords, the Sequestration shall, in all respects not inconsistent with or injurious to the Interests which may be affected by the Appeal, proceed without

Interruption, and the Lord Ordinary shall make such Orders as may be necessary to regulate the Interim Possession and Managment of the Estate, and which Orders shall not be subject to Appeal.

Deliverances, Extracts, and Copies shall form Evidence.

CLXXIII. AllDeliverances under this Act purporting to be signed by the Lord Ordinary or by any of the Judges of the Court of Session, or by the Sheriff, as well as all Extracts or Copies thereof or from the Books of the Court of Session or the Sheriff Court purporting to be signed or certified by any Clerk of Court, or Extracts from or Copies of Registers purporting to be made by the Keeper thereof, or Extractor, shall be judicially noticed by all Courts and Judges in England, Ireland, and Her Majesty's other Dominions, and shall be received as primâ facie Evidence, without the Necessity of proving their Authenticity or Correctness, or the Signatures appended, or the official Character of the Persons signing, and shall be sufficient Warrants for all Diligence and Execution by Law competent.

Deliverances, &c. may be printed.

Service of Citations.

CLXXIV. All Deliverances, Bonds, Schedules, and Executions under this Act may be either printed or in Writing, or partly both; and Service or Citation may be made by a competent Officer without Witnesses.

Trustee and Commissioners may compound and transact.

CLXXV. The Trustee may, with Consent of the Commissioners, compound and transact or refer to Arbitration any Questions which may arise in the Course of the Sequestration regarding the Estate, or any Demand or Claim made thereon, and the Compromise, Transaction, or Decree Arbitral shall be binding on the Creditors and the Bankrupt.

Agents in Court of Session may be Agents in Causes under this Act before Sheriff.

CLXXVI. It shall be lawful for all Agents duly qualified to practise before the Court of Session to practise in all Sheriff Courts, in so far as relates to any of the Proceedings authorized by this Act to be carried on before the Sheriff: Provided that they shall not be entitled to Payment of any higher Fees than those legally exigible in such Courts.

Miscellaneous Provisions.

Punishment of wilful Falsehood.

CLXXVII. If any Person shall be guilty of wilful Falsehood in any Oath made in pursuance of this Act, he shall be liable to a Prosecution, either at the Instance of Her Majesty's Advocate, or at the Instance of the Trustee, with the Concurrence of Her Majesty's Advocate: Provided that, in the latter Case, the Prosecution shall be authorized by a Majority of the Creditors present at a Meeting to be called for the Purpose; and such Person shall, on Conviction, besides the awarded Punishment, forfeit to

to the Trustee, for behoof of the Creditors, his whole Right, Claim, and Interest in or upon the Sequestrated Estate, and the same shall be distributed, either under the Sequestration, or, if it be closed, under a Process of Multiplepoinding, as is herein-before provided.

Trustee may be authorized to receive and open Post Letters.

CLXXVIII. The Lord Ordinary or Sheriff, on Cause shown, may order, that for a Period not exceeding Three Months from the Date of the Order all Letters addressed to the Bankrupt shall be delivered by the Postmaster General, or the Officers acting under him, to the Sheriff Clerk or Trustee, to be opened in Presence of the Sheriff, after written Notice to the Bankrupt to attend, if within Scotland; and in case the Letters shall relate in whole or in part to the Estate, they shall be placed in such Custody as the Sheriff may direct; and the Lord Ordinary or Sheriff may, on Cause shown, renew such Order for a like Period as often as shall be necessary.

Fees payable.

CLXXIX. The Fees which are set forth in the Schedule (I.) hereunto annexed shall be payable on the Proceedings specified, and shall form a Fund, which shall be applied in the Payment of the Salaries and Expenses of Officers in the Court in which the same are payable, and any Surplus which shall at any Time arise shall be paid as the Commissioners of Her Majesty's Treasury shall direct.

Fees payable to the Bill Chamber Clerks.

CLXXX. The Bill Chamber Clerks are hereby prohibited from charging or receiving any Fees, except for Copies of Interlocutors or other Papers ordered or required, for which an Allowance shall be paid at the Rate of Sixpence for each Page of One hundred and fifty Words without any farther Charge for Stationery.

Gazette Keeper to furnish Copies of Gazette.

CLXXXI. From and after the Commencement of this Act the Keeper of the Gazette shall on each Day of Publication furnish a Copy thereof to the Keeper of Edictal Citations and to the Bill Chamber Clerks, and to the Accountant, who shall keep the same regularly filed, and make the said Gazettes on all Occasions patent to the Lieges at Office Hours, on Payment of a Fee of Sixpence and no more.

Charges on Advertisements under this Act.

CLXXXII. No Advertisement inserted in the London Gazette or in the Edinburgh Gazette, by virtue of this Act, or the Act passed in the Sixth and Seventh Year of the Reign of His late Majesty King William the Fourth, Chapter Fifty-six, shall be charged by the Keepers of the said Gazettes for Publication therein at a higher Price, nor shall a higher Price be paid for such

Publication, than the Sums specified in the Schedule (K.) hereunto annexed.

Conveyances, Deeds, &c. relating to Estates of Bankrupts, Notices, not liable to Stamp or other Duties.

CLXXXIII. From and after the Commencement of this Act, all Conveyances, Assignations, Instruments, Discharges, Writings, or Deeds relating solely to the Estate belonging to any Bankrupt against whom Sequestration has been or may be awarded, either under this or any former Act, and which Estate, after the Execution of such Conveyances, Assignations, Instruments, Discharges, Writings, or Deeds, shall be and remain the Property of such Bankrupt, for the Benefit of his Creditors, or the Trustees appointed or chosen under or by virtue of such Sequestration, and all Discharges to such Bankrupt, and all Deeds, Assignations, Instruments, or Writings for reinvesting such Bankrupt in the Estate, and all Powers of Attorney, Commissions, Factories, Oaths, Affidavits, Articles of Roup or Sale, Submissions, Decrees Arbitral, and all other Instruments and Writings whatsoever, relating solely to the Estate of such Bankrupt, and all other Deeds or Writings forming a Part of the Proceedings ordered under such Sequestration, shall be exempt from all Stamp Duties or other Government Duty.

Acts of Sederunt may be made.

CLXXXIV. It shall be lawful for the Judges of the Court of Session, either during Session or Vacation, by an Act or Acts of Sederunt, from Time to Time to apportion the Duties to be performed by the Officers in the Bill Chamber, or in the said Court, or in the Sheriff Courts, and to regulate Procedure in relation to this Act, in so far as consistent therewith, and to establish a Table of Fees to be allowed to Agents, both in the Court of Session and Sheriff Courts, for conducting the Proceedings, and to amend or alter such Act or Acts from Time to Time ; and such Act or Acts of Sederunt shall within One Month after the making thereof be transmitted by the Lord President of the Court of Session to One of Her Majesty's Principal Secretaries of State, that the same may be laid before both Houses of Parliament.

SCHE-

SCHEDULES referred to in this Act.

SCHEDULE (A.)

No. 1.

Abbreviate for the Register of Inhibitions.

PETITION for Sequestration of *A.B.* [*Name and Designation*].
Date of First Deliverance . . Day of .
(Signed) *C.D.* [*If an Agent, state so.*]

No. 2.

Certificate by the Keeper.

THIS Abbreviate was presented by [*or* received by Post from] [*name and design the Presenter or Party transmitting by Post*] and recorded on [*Date*] in the Register of Inhibitions at Edinburgh.
(Signed) *E.F.*, Keeper.

No. 3.

Abbreviate.

PETITION for transferring, in Terms of the "Bankruptcy (Scotland) Act, 1856," from *A.B.* [*Name and Designation*], as Heir of *C.D.* [*Name and Designation*], the Estates of *C.D.*, Date of Deliverance Day of
(Signed) *G.H.* [*If an Agent, state so.*]

SCHEDULE (B.)

Notice to the Gazettes.

THE Estates of *A.B.* [*Name and Designation*] were sequestrated on [*Date, Month, and Year*] by the [Court of Session *or* Sheriff of].

The First Deliverance is dated the [*Date*].

The Meeting to elect the Trustee and Commissioners is to be held at [*Hour*] o'Clock on the [*Day of the Week*] the [*Date, Month, and Year*],

Year], within [*specify particular Place*] in [*Town*]. A Composition may be offered at this latter Meeting; and to entitle Creditors to the First Dividend their Oaths and Grounds of Debt must be lodged on or before the [*insert Date*].

All future Advertisements relating to this Sequestration will be published in the Edinburgh Gazette alone.

(Signed) *P.Q.*, Agent [*specify Place of Business*].

SCHEDULE (C.)

Form of Bond of Caution for Trustee.

I *A.B.* [*Name and Designation*], having been appointed Trustee on the sequestrated Estate of *C.D.* [*Name and Designation*], and I *E.F.* [*Designation*] as Cautioner, Surety, and full Debtor for and with the said *A.B.*, hereby bind and oblige ourselves, conjunctly and severally, our Heirs and Executors, That I the said *A.B.* shall faithfully discharge all the Duties which by Law attach to the said Office of Trustee, and fully account for my whole Intromissions with the said Estate, and make Payment of any Balance due by me to the Creditors on the said Estate, or Trustee elected by them to succeed me; declaring that this Bond shall not be in any way affected, nor shall I the said *E.F.* be liberated, by any Omission, Negligence, or Want of Diligence on the Part of the Creditors or Commissioners on the said Estate. [*In case the Caution has been limited by the Creditors, the following Clause will be here inserted:* And declaring further, that this Bond, so far as concerns me the said *E.F.*, shall not bind me or my foresaids to a greater Extent than the Sum of [*here insert Sum in Writing*], to which my Obligation before written is hereby limited.] In witness whereof this Bond (*so far as not printed*), written and filled up by [*here shall be inserted in Writing a testing Clause in legal Form*].

(Signed) *A.B.*
E.F.

O.T., Witness.
L.F., Witness.

SCHE-

SCHEDULE (D.)

Act and Warrant of Confirmation of the Trustee.

[*Place and Date.*]

The Sheriff of the County of [*insert County*] has confirmed and hereby confirms *A.B.* [*Name and Designation*] Trustee on the sequestrated Estate of *C.D.* [*Name and Designation*]; and the whole of the Estates and Effects, Heritable and Moveable, and Real and Personal, wherever situated, of the said *C.D.*, are transferred and belong to *A.B.* as Trustee for Behoof of the Creditors of the said *C.D.*, in Terms of the "Bankruptcy (Scotland) Act, 1856"; and the said *A.B.* has, as Trustee aforesaid, in Terms of the said Act, full Right and Power to sue for and recover all Estates, Effects, Debts, and Money belonging or due to the said *C.D.*

(Signed) *C.D.*, Sheriff Clerk.

SCHEDULE (E.)

No. 1.

Abbreviate for the Register of Adjudications.

The whole Estates and Effects, Heritable and Moveable, and Real and Personal, wherever situated, of *A.B.* [*Name and Designation*], are transferred and belong to *E.F.* [*Name and Designation*], as Trustee on his sequestrated Estate, conform to Act and Warrant of Confirmation dated the Day of , issued in Terms of the "Bankruptcy (Scotland) Act, 1856."

[*Signed by the Trustee or his Agent.*]

No. 2.

Certificate by the Keeper.

This Abbreviate was presented by [*Name and Designation*] and recorded on [*Date*] in the Register of Abbreviates of Adjudications.

(Signed) *E.F.*, Keeper.

No. 3.

Abbreviate of Adjudication.

The Estates vested in *A.B.* [*Name and Designation*] as Heir of *C.D.* [*Name and Designation*] are transferred and belong to *E.F.* [*Name and Designation*], as Trustee on the sequestrated Estate of the said *C.D.*, conform to Deliverance by the Lord Ordinary, dated the Day of and in Terms of the "Bankruptcy (Scotland) Act, 1856."

[*Signed by the Trustee or his Agent.*]

SCHEDULE (F.)

For the Gazette.

Sequestration of *C.D.* [*Designation*].

A.B. [*Name and Designation*], has been elected Trustee on the Estate, and *E.F.* and *G.* [*Names and Designations*], have been elected Commissioners. The Examination of the Bankrupt will take place in the Sheriff Court House [*or other Place*] on [*Day of Week*] the [*Date*] of [*Month*] next, at [*Hour*]. The Creditors will meet in [*specify the Place, Day, Date, Month, and Hour*] o'Clock. [*If any Offer of Composition has been entertained at the Meeting for Election of Trustee, intimate this, as provided by the Act.*]

[*Signed by the Trustee.*]

[*Date.*]

SCHE-

SCHEDULE (G.)

REGISTER OF SEQUESTRATIONS.

Name and Designation of Bankrupt.	Place and County of Bankrupt's Residence or Business.	Name and Designation of Petitioning or Concurring Creditor.	Whether Sequestration awarded by Sheriff (*sitte the County*) or by Court of Session.	Division of the Court, if by Court of Session.	To what Sheriff remitted.	Date of First Deliverance.	Date of awarding. (If recalled, Entry to be in this Column.)	Date of Transmission to Sheriff, and of Receipt by Sheriff Clerk.	Time and Place for electing Trustee.	Trustee's Name and Designation.	Commissioners Names and Designation.	Time for lodging Claims for Dividend.	Date of Bankrupt's Discharge.	Bankrupt's Discharge on or without Composition.	Date of Trustee's Discharge.

SCHEDULE (H.)

ANNUAL RETURN by each TRUSTEE within *Fourteen* Days after the Thirty-first Day of October, and by each SHERIFF CLERK within *Fourteen* Days thereafter.

Name and Designation of Bankrupt.	County and Place.	By whom Sequestration awarded.	Name and Designation of Trustee.	Names and Designation of Commissioners.	Amount of Funds as in the Bankrupt's State.	Amount of Funds realized.	Amount of Debts.	Allowance to Bankrupt.	Discharge on Composition or without Composition.	Amount of Composition, and when payable, and Names and Designation of Cautioners.	Dividend,—Amount paid or unpaid.	AMOUNT OF EXPENSES.		
												Trustees Commission.	Law Expenses.	Miscellaneous.

Signed by Trustee and by Sheriff Clerk.

SCHE-

SCHEDULE (I.)

Table of Fees payable under this Act.

I.—In the Court of Session.	£	*s.*	*d.*
(1.) To the Collector of the Fee Fund:			
Original Petitions for Sequestration, or any other Writ or Step by which a Process of Sequestration is originated	0	10	0
All other Papers, being Steps of Procedure, and not Productions, each - - - - - -	0	2	6
(2.) To the Keeper of the General Minute Book:			
For entering the First Deliverance, and Deliverance awarding Sequestration, Adjudication, and Discharge, and Approval of Composition, each - - - -	0	2	6
For entering any other Deliverance or Intimation - -	0	1	0
(3.) To the Extractors:			
For every Extract made of the Proceedings or of the Deliverance of the Lord Ordinary or Inner House, per Sheet - - - - - - -	0	1	0
II.—To the Keepers of the Records.			
For entering any Schedule - - - - -	0	1	0
For entering on the Margin of any Record the Recal of Sequestration, or Discharge in favour of the Bankrupt -	0	1	0
For Access to and Liberty to make Excerpts of Proceedings under this Act from any Register or Record appointed herein to be kept, or in which Entries are herein appointed to be made, a Fee of One Shilling for each Year of the Record inspected, but not exceeding in all for any One Record - - - - -	0	10	0
For Extracts or certified Copies therefrom, per Sheet -	0	1	0
For collating and certifying Extracts therefrom, per Sheet - - - - - - -	0	0	6
III.—Sheriff Court.			
(1.) To the Sheriff Clerk:			
On every Deliverance pronounced by the Sheriff, awarding Sequestration, declaring the Election of a Trustee, appointing Diets of Examination, granting a Discharge to the Bankrupt, approving of Composition, or exonerating the Trustee - - - - - -	0	2	6
For every other Deliverance, not being merely an Order for Papers or Revisals - - - - - -	0	1	0

	£	*s.*	*d.*
For every Transmission to or by him of the Proceedings	0	1	0
For entering the First Deliverance, and the Deliverance awarding Sequestration, in the Register, each (if separate)	0	0	6
For entering the Name and Designation of the Trustee and Commissioners in the Register	0	0	6
For issuing, receiving back, and examining Bond of Caution for Trustee, to be paid at the issuing of Bond	0	2	6
For Oath of the Bankrupt, and Examinations of him or others, per Sheet	0	1	0
For every Warrant of Apprehension or Citation of the Bankrupt or others, or Commission to take Examination	0	2	6
For every certified Copy or Extract of the Proceedings before the Sheriff, or of any Deliverance pronounced by him, per Sheet	0	1	0
For every annual Report of the depending Sequestrations, for each Sequestration, to be paid by the Trustee	0	0	6
For every borrowing of all or any Part of the Proceedings	0	0	6
(2.) To the Sheriff:			
Attending any Meeting of Creditors or Examination, for each such Meeting or Diet of Examination, not being on the same Day	1	1	0

SCHEDULE (K.)

Table of Prices payable for Advertisements in the London or Edinburgh Gazette.

	£	*s.*	*d.*
For Six Lines and under	0	6	0
For more than Six Lines and not exceeding Ten Lines	0	7	6
For more than Ten Lines and not exceeding Fifteen Lines	0	10	6
For more than Fifteen Lines and not exceeding Twenty Lines	0	14	6
For more than Twenty Lines and not exceeding Twenty-five Lines	0	17	6
For more than Twenty-five Lines and not more than Thirty Lines	1	0	6

Bankruptcy (Scotland)

A

BILL

[AS AMENDED IN COMMITTEE]

To consolidate and amend the Laws relati
Bankruptcy in Scotland.

(*Prepared and brought in by*
The Lord Advocate and Viscount Duncan.)

Ordered, by The House of Commons, *to be Printed*
4 *April* 1856.

[Bill 88.]

Under 10 *oz.*

29 *February* 1856. 19 Vict.

(Ireland.)

A

B I L L

TO

Consolidate and amend the Laws relating to Bankruptcy and Insolvency in Ireland.

WHEREAS it is expedient to amend and consolidate the Acts relating to Bankrupts and Insolvents in Ireland; to discontinue the Court of Bankruptcy and the Court for Relief of Insolvent Debtors in Ireland, and to constitute a new Court as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble.

I. From and after the *Commencement of this Act*, the Court of the Commissioners of Bankruptcy in Ireland and the Court for Relief of Insolvent Debtors in Ireland now existing under certain of the Acts mentioned in Schedule (A) to this Act annexed, shall be respectively discontinued, and all the Powers, Authorities, and Jurisdictions of the said Courts respectively shall, for the Purposes of all Proceedings now pending therein, be transferred to, and continued and vested in the Court constituted under this Act. 6 & 7 W. 4. c. 14. 12 & 13 Vict. c. 107. 3 & 4 Vict. c. 107. Existing Courts of Bankruptcy and Insolvency discontinued.

Certain Acts and Parts of Acts repealed.

II. From and after the *Commencement of this Act*, the several Acts and Parts of Acts set forth in the Schedule (A) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts and such Parts of every other Act or Acts, as shall be inconsistent with this Act, shall be repealed, except so far as the said Acts or Parts of Acts, or any of them, whether mentioned or included in the said Schedule or not, repeal any former Act or Part of an Act, and except also so far as may be necessary for the Purpose of supporting and continuing any Proceedings taken or to be taken after the Commencement of this Act upon any trading, Act of Bankruptcy, Petitioning Creditor's Debt, Commission, or other Proceeding in Bankruptcy before the Commencement of this Act, and except also so far as may be necessary for the supporting or continuing of any Proceedings taken before the Commencement of this Act in the Court for the Relief of Insolvent Debtors in Ireland, or to be taken after the Commencement of this Act on any Petition filed or Order made before the Commencement of this Act, and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act: Provided always, that such Repeal shall not be construed to lessen or affect any Right to which any Person may, at the Time of such Repeal, be entitled to, under said Acts or Parts of Acts, or to lessen any Liability then existing thereunder.

Short Title.

III. This Act may be cited for all Purposes as "The Irish Bankrupt and Insolvent Act, 1856."

Definition of Terms, &c.

And with respect to the Definition and Explanation of Terms, be it enacted as follows:

IV. The Terms and Words herein-after enumerated or explained, wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Definition or Explanation; (that is to say,)

"Lord Chancellor;" "Lord Chancellor" shall mean also and include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of Ireland for the Time being;

"Court;" "The Court" shall mean Her Majesty's Court of Bankruptcy and Insolvency in Ireland, and shall mean also and include any Judge or Judges of Her Majesty's Court of Bankruptcy and Insolvency in Ireland constituting and acting as a Court under this Act;

"Annulling;" "Annulling" shall mean also superseding;

"Month"

"Month" shall mean a Calendar Month; "Month;"

"Person" shall include Body Corporate and Joint Stock Company; "Person;"

"Joint Stock Company" shall mean and include every Company and Body of Persons associated for any commercial or trading Purposes in Ireland, and incorporated by Statute or Charter, or which derives any Immunity, Privilege, or Power under any Act of Parliament, or has been registered either provisionally or completely under any Act of Parliament, and all commercial or trading Companies, Associations, and Partnerships in Ireland, the Capital or Profits of which is or are divided into Shares and transferable without the express Consent of all the Partners; "Joint Stock Company;"

"Assignees" shall mean the Assignees of the Estate and Effects of the Bankrupt or Insolvent, and shall include the Official and Creditors Assignees; "Assignees;"

"Oath" shall include Declaration or Affirmation; "Oath;"

"Bank of Ireland" shall include all Branches thereof; "Bank of Ireland;"

"Petition of Bankruptcy" shall mean Petition for Adjudication of Bankruptcy; "Petition of Bankruptcy;"

"Plaintiff" shall include "Petitioner;" "Plaintiff;"

"Suit" shall include Action at Law and Suit in Equity or other Proceeding; "Suit;"

"Bankrupt" shall mean any Person who on any Petition of Bankruptcy shall have been adjudged by the Court to be a Bankrupt; "Bankrupt;"

"Petition of Insolvency" shall include every Petition for the Benefit of this Act by an Insolvent, or by any Creditor against such Insolvent; "Petition of Insolvency;"

"Prisoner" shall mean any Person in actual Custody within the Walls of any Prison in Ireland for any Debt, Damages, Costs, Sum or Sums of Money, or for any Contempt by reason of Non-payment of any Sum or Sums of Money or Costs; "Prisoner;"

"Gaoler" shall include the Keeper or Governor of any Gaol or Prison; "Gaoler;"

"Insolvent" shall mean any Person who shall file a Petition for his Discharge as an Insolvent Debtor, or against whom a Creditor shall file a Petition of Insolvency pursuant to this Act; "Insolvent;"

"Petitioning Creditor" shall mean the Creditor who files the Petition for Adjudication of Bankruptcy, or a Petition of Insolvency against an Insolvent; "Petitioning Creditor;"

"Registrar" shall include the Chief Registrar; "Registrar;"

"Creditor;" "Creditor" shall mean also any Two or more Persons being Partners, and incorporated and Joint Stock Companies;

"Gazette;" "Gazette" shall signify Dublin Gazette;

"United Kingdom;" "United Kingdom" shall mean the United Kingdom of Great Britain and Ireland;

Number and Gender; Words importing the Singular Number or the Masculine Gender only shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Bodies Corporate as well as Individuals, and Females as well as Males; and Words importing the Plural Number shall be understood to apply to One Matter as well as more than One, and to One Person as well as more than One.

Act to commence on January 1, 1857. V. This Act, unless where otherwise specially provided, shall commence on the *First Day of January One thousand eight hundred and fifty-seven.*

All Procedure to obtain Adjudication of Bankruptcy, &c. to be under the Provisions of this Act. 12 & 13 Vict. c. 106. s. 4. 3 & 4 Vict. c. 107. s. 1. VI. After the *Commencement of this Act,* no Commission of Bankrupt shall be issued, but all Proceedings in Bankruptcy, and Proceedings for Arrangement between Debtors and Creditors may be taken, according to the Provisions of this Act.

The existing Proceedings in discontinued Courts to be carried on in new Court. VII. All Commissions and Proceedings in Bankruptcy, and Proceedings for such Arrangement, depending at the Commencement of this Act in the Court of the Commissioners of Bankruptcy in Ireland, or over which that Court might then exercise Jurisdiction; and all Petitions, Orders, Matters, and Proceedings depending in the said Court for the Relief of Insolvent Debtors at the Commencement of this Act, or over which that Court might then exercise Jurisdiction, shall be respectively carried on and prosecuted in the Court constituted under this Act, and for the Purposes aforesaid the Court shall have all the Power, Jurisdiction, and Authority now possessed by the Commissioners of Bankruptcy or by the Court for the Relief of Insolvent Debtors in Ireland: And nothing in this Act contained shall render invalid any Commission, Petition, Order, Matter, or Proceeding depending at the Commencement of this Act in said Court of the Commissioners of Bankruptcy, or in said Court for Relief of Insolvent Debtors, or the Prosecution of the same in the Court now constituted under this Act, or affect or prejudice any Right or Remedy which any Person may have or be entitled to, or lessen any Liability which any Person may be under or subject to by virtue thereof.

Construction of former Acts, &c. as to Word "Commission." VIII. Wherever in any Act of Parliament or otherwise Mention shall have been made of any Commission of Bankrupt, it shall be construed with reference to the Proceedings under a Petition of Bankruptcy

Bankruptcy as if such Commission had been actually issued at the Time of filing such Petition. 12 & 13 Vict. c. 106. s. 5.

IX. When any limited Time from or after any Date or Event is appointed or allowed for doing any Act or taking any Proceeding, the Computation of such limited Time is not to include the Day of such Date, or of the happening of such Event, but is to commence at the Beginning of the next following Day, and the Act or Proceeding is to be done or taken at the latest on the last Day of such limited Time according to such Computation. Computation of Time.

X. When the Time for doing an Act or taking a Proceeding expires on a Sunday, Christmas Day, Good Friday, Monday or Tuesday in Easter Week, or a Day appointed for a Public Fast or Thanksgiving, such Act or Proceeding is, as far as regards the Time of taking or doing the same, to be held to be duly done or taken, if done or taken on the following Day. Term expiring on Sunday, &c., extended to following Day.

Constitution of the Court, &c.

XI. The present Commissioners of Bankrupt in Ireland shall be Judges for the Purposes of this Act, as if they had been appointed thereunder, and they and their Successors in Office shall form a Court, to be called "The Court of Bankruptcy and Insolvency." Court of Bankruptcy and Insolvency.

XII. The said Court of Bankruptcy and Insolvency shall consist of Two Judges: Upon a Vacancy in said Office of Judge it shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Great Seal of Ireland, to appoint any Person, being a Barrister-at-Law in Ireland of not less than Ten Years Standing, to fill such Vacancy; and every such Judge shall hold his Office during good Behaviour, notwithstanding the Demise of Her Majesty (whom God long preserve), or any of Her Heirs and Successors, but subject to Removal by Her Majesty, Her Heirs and Successors, upon an Address in that Behalf from both Houses of Parliament. Appointment of Judges. 6 & 7 W. 4. c. 14. s. 3. 1 Vict. c. 48. 3 & 4 W. 4. c. 47.

XIII. Every Judge to be appointed in pursuance of this Act shall, before he shall be capable of acting in the Execution of his Office, take an Oath in the Presence of the Lord Chancellor to the Effect following; (that is to say,) The Oath of Office. 6 & 7 W. 4. c. 14. s. 4.

'I A.B. do swear that I will faithfully, honestly, and impartially, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as a Judge in Bankruptcy and Insolvency, and that without Favour or Affection, Prejudice or Malice. So help me GOD.'

Constitution of the Court, &c.

Judges not to be elected Members of the House of Commons.
6 & 7 W. 4. c. 14. s. 6.

XIV. No such Judge shall during his Continuance in such Office be capable of being elected a Member of the House of Commons.

Salary.
6 & 7 W. 4. c. 14. s. 6.
1 Vict. c. 48.

XV. *There shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to each such Judge the yearly Sum of Two thousand Pounds, and such Salaries shall be payable quarterly, on the usual quarterly Days, free of all Deductions save Income Tax; and if any Judge shall die, resign, or be removed, a proportionate Part of his Salary shall be paid for the Time he executed the Office.*

Precedence of Judges.
5 & 6 Vict. c. 122. s. 64.

XVI. The Judges of the Court shall take Rank and Precedence next after the Judges of the Superior Courts of Law in Ireland.

Matters pending in discontinued Courts transferred to new Court.

XVII. All Matters which, on the said *First Day of January One thousand eight hundred and fifty-seven*, shall be pending in the said Courts hereby discontinued, or either of said Courts, with all the Proceedings therein, shall be by force of this Act transferred to the said Court of Bankruptcy and Insolvency in Ireland, there to be carried on, prosecuted, or dealt with, and decided according to the Practice of the Court, in the same Manner in every respect as if such Matters had been originally commenced in the said Court.

Offices of old Court abolished, and Records, &c. to be transferred to new Court.

XVIII. On the said *First Day of January One thousand eight hundred and fifty-seven* the Offices of the said Commissioners of the Courts hereby discontinued shall be abolished; and all Petitions, Affidavits, and other Proceedings of the said Courts, and all Minute and Account Books and all other Books and Documents relating to the Proceedings of the said Courts respectively, or lodged in the said Courts, shall on the said *First Day of January One thousand eight hundred and fifty-seven*, or as soon after as conveniently may be, be delivered by the several Officers of the said Courts having Custody of the same to such Person or Persons as shall be appointed by the Court to receive and take charge of the same, and from and after such Delivery the said Petitions, Affidavits, Books, and other Proceedings shall be deemed to belong to the said Court hereby constituted.

Court to make General Orders for Transfer of Proceedings, &c.
13 & 14 Vict. c. 51. ss. 2–11.

XIX. The Court shall, as soon as conveniently may be after the passing of this Act, from Time to Time make General Orders as by this Act directed for carrying the Purposes of this Act into complete Effect in all Things relating to the Transfer of Matters, Proceedings, Documents, and Property from the Courts hereby discontinued, and in particular for the auditing of Assignees' Accounts, and for arranging and distributing the Balances in the Hands of Assignees or to their Credit with the Bank of Ireland, or in the Bank of Ireland with

with the Privity of the Chief Clerk of the Court for the Relief of Insolvent Debtors, and for the carrying on and winding up the Matters so transferred.

Constitution of the Court, &c.

XX. The Court shall, for the Purposes of this Act, be a Court of Law and Equity and a Court of Record; all Records and Proceedings in Bankruptcy existing at the Commencement of this Act, in the said Court of the Commissioners of Bankruptcy, or in the Custody of the Secretary of Bankrupts, and Clerk of Inrolments in Bankruptcy, and all Records and Proceedings of the said Court for the Relief of Insolvent Debtors shall be kept as Records and Proceedings in the Office of the Court, or in such Place as the Judges of the Court by any General Order shall direct.

The Court to be a Court of Law and Equity, &c.
12 & 13 Vict. c. 106. s. 6.
3 & 4 Vict. c. 107. s. 106.

XIX. Each Judge acting for the Time being shall singly and simultaneously, or otherwise, as Occasion may require, be and form the Court for every Purpose under this Act, or in execution of any Duty which may hereafter be imposed on the Court, except where otherwise in this Act specially provided; and every Act of any One Judge in the Absence of the other shall be as valid as if done by both, save only that it shall not be lawful for any One Judge, without the Consent of the other, to rescind any Order made by the other when sitting alone.

Each Judge shall form the Court.
1 Vict. c. 48. s. 2.

XXII. The Judges of the Court shall, as soon as conveniently may be after the *passing of this Act*, and from Time to Time, make such General Orders as they may think fit for the better carrying of the several Purposes of this Act into execution, and especially for the Regulation of the Practice and Procedure in Matters of Bankruptcy and Arrangement or Insolvency, and for the Choice of the Creditor's Assignees, and the Admission or Proof of Debts, and the Audit of the Assignees Accounts, and the Times and Mode of making and paying Dividends, the Examination of Witnesses and taking of Evidence, the Inspection of Records and Proceedings of the Court, and obtaining Copies thereof, and for the Regulation of the Duties of the several Officers of the Court, and the Fees, Costs, Charges, and Allowances, as well of Solicitors and of Messengers as also of Auctioneers, Appraisers, Brokers, Valuers, and Accountants, employed by Assignees, Messengers, or Bankrupts, or Insolvents, and for the Taxation thereof respectively, and generally for regulating the Practice of the Court, and the Times, Modes, and Forms of Motions and Proceedings in Bankruptcy and Insolvency, and may from Time to Time alter or revoke such Orders, anything in this Act to the contrary notwithstanding; but no such General Orders shall be of any Force or Effect until approved of by the Lord Chancellor: Provided also, that nothing herein

The Judges may make General Orders.
17 & 18 Vict. c. 119. s. 15.
6 & 7 W. 4. c. 14. s. 14.
12 & 13 Vict. c. 106. s. 8.

Constitution of the Court, &c.

herein contained shall be construed to restrain the Authority or limit the Jurisdiction of the said Court, or the Judges thereof, to make Rules or Orders or otherwise to regulate and dispose of the Business therein.

Sittings of the Court.
6 & 7 W. 4. c. 14. s. 12.
12 & 13 Vict. c. 106. s. 10.
16 & 17 Vict. c. 113. s. 233.
12 & 13 Vict. c. 106. s. 8.

XXIII. The Court shall sit for the Despatch of Business daily throughout the Year, when the Business of the Court shall require it (Sunday, Christmas Day, Good Friday, Monday and Tuesday in Easter Week, and Days appointed for Public Fast and Thanksgiving excepted); provided that during the whole or any Part of the Time appointed for Vacations in the several Offices of the High Court of Chancery in Ireland the Judges of the Court shall have full Power and Authority to regulate the Sittings of the Court in such Manner as shall appear fit and necessary for the due Administration of Justice.

Appointment and Payment of Substitute for Judge or Registrar prevented from attending.
6 & 7 W. 4. c. 14. s. 12.

XXIV. If, during the Time in which the Court shall sit for the Despatch of Business, any Judge, Registrar, or Chief Clerk be prevented by Sickness, or other reasonable Cause, to be allowed by the Lord Chancellor, from attending, then and in every such Case the Lord Chancellor may appoint a Person (being, in the Case of a Judge, a Barrister-at-Law of not less than Ten Years Standing) to perform the Duties of such Judge, Registrar, or Chief Clerk, during such Absence; and every such Person so appointed to perform the Duty of such Judge, Registrar, or Chief Clerk as aforesaid shall, during the Continuance of such Deputation or Appointment, have all and every the Rights, Powers, and Authorities, and be subject to all the Duties of such Judge, Registrar, or Chief Clerk, under this Act; and shall be paid a Sum equal to the Salary of such Judge or Registrar or Chief Clerk, for and during the Period of his Service, to be deducted from the Salary of the Person in whose Absence he shall so act.

Jurisdiction.

12 & 13 Vict. c. 106. s. 12.

XXV. The Court shall have Jurisdiction, Superintendence, and Control in all Matters of Bankruptcy and Insolvency, and shall have Authority to take such Order and Direction with the Body of each Bankrupt and Insolvent, and also with the Estate and Effects of each Bankrupt and Insolvent, as herein-after expressed, and also shall hear, determine, and make Order in any Matter of Bankruptcy or Insolvency whatever, so far as the Assignees are concerned, relating to the Estate and Effects of the Bankrupt or Insolvent, or of any Estate or Effects taken and claimed by the Assignees for the Benefit of the Creditors, or relating to any Acts done or sought to be done by the Assignees in their Character of Assignees, and also in any Matter of Bankruptcy or Insolvency whatever as between the Assignees and any

Jurisdiction.

any Creditor or other Person appearing and submitting to the Jurisdiction of the Court, and also in any Application for a Certificate of Conformity, and in any other Matter where the Court by virtue of this Act has Jurisdiction, save and except as may be by this Act otherwise specially provided.

3 & 4 Vict. c. 107. s. 7.

Power to fine, suspend, or remove Officers in certain Cases.

XXVI. The Court shall have the Power of fining in a summary Way, or suspending or removing, any of the Officers of the Court who shall be guilty of any Negligence, or other Misconduct whatsoever, to be expressed in the Order of the Court, except where the Removal of said Officers is otherwise regulated by this Act.

Enforcement of Orders.

XXVII. All lawful Orders of the Court may be enforced by Process sued out of the said Court in the same Manner as if the said Orders were Orders of the Court of Chancery in Ireland.

Court to settle Forms of Writs.

XXVIII. The Court shall from Time to Time settle the Forms of Writs to be used in said Court for the Enforcement of its Orders and may also from Time to Time alter the same. The Court in framing such Forms shall adhere as nearly as Circumstances may admit to the Forms of Writ used to enforce Decrees or Orders of the Court of Chancery, and such Forms when approved of by the Lord Chancellor, shall be used and adopted in the Court. The Writs to be issued out of the Court, shall be returnable therein, and be enforced in the same Manner as Writs issued out of the Court of Chancery.

Forms.

XXIX. The Court may from Time to Time alter or vary the Forms given in the several Schedules to this Act, or any of such Forms, or substitute new Forms in lieu thereof, and generally may settle and check the several Forms to be used in proceeding under this Act.

Appeal to the Lord Chancellor.

XXX. Every Order or Decision of the Court shall be subject to Appeal to the Lord Chancellor, except as herein-after is provided; but such Appeal must be entered within *Thirty* Days from the Date of the Decision or Order, or such further Time as the Court shall by special Leave allow, and be thereafter duly prosecuted, otherwise the Decision or Order shall be final; and every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall be directed by any General Order to be made in pursuance of this Act; and on hearing of each Petition of Appeal the only Evidence to be relied on or admissible shall be such as was given before the Court; but the Lord Chancellor, if he shall think fit, may direct or make any such Inquiry thereon as to him shall seem fit, or may order the Court to re-hear the Case, on such further Evidence as it may be in the Power of either Party to produce.

Jurisdiction.

No Appeal from Order of Court.

XXXI. No Appeal shall lie from any Order of the Court in relation to the passing, closing, or adjourning the final Examination of any Bankrupt, or allowing or withholding the Certificate of Conformity of any Bankrupt, or any Order dismissing the Petition of any Trader petitioning for Arrangement, or any Order granting Protection to such Trader, or granting a Certificate to or withholding a Certificate from such Trader, or from any Order on any Petition in Insolvency that the Prisoner should file his Schedule or be brought up to be dealt with according to the Provisions of this Act, or from any Order dismissing the Petition in Insolvency, or for the Remand or Discharge of any Insolvent, or any Order for the Appointment or Removal of Creditors Assignees, or from any Order on any Question relating only to the Practice of the Court.

Exclusive Jurisdiction over Traders in Ireland.

XXXII. The Court shall have exclusive Jurisdiction in Bankruptcy over all Traders residing or carrying on Business exclusively in Ireland.

Lord Chancellor sitting in Bankruptcy to be a Court of Record, &c.
12 & 13 Vict. c. 106. s. 13.

XXXIII. The Lord Chancellor sitting on Appeal in Bankruptcy and Insolvency shall be a Court of Record, and shall have all the Powers incident thereto, and may adjourn any Sitting from Time to Time, and for such Time as may be requisite, and shall have the like Power of summoning and compelling Attendance, and of Examination, and of enforcing Obedience to Examination, and to any Order duly made, and of requiring and compelling the Production of Books and Documents, and shall have the like Power of Commitment as is by this Act given to the Court of Bankruptcy and Insolvency.

Lord Chancellor may direct Question of Fact to be decided by a Jury.
12 & 13 Vict. c. 106. s. 15.
8 & 9 Vict. c. 109.

New Trial may be moved for.

XXXIV. The Lord Chancellor may direct any Question of Fact arising on such Appeal to be decided by a Jury in the Form provided in lieu of a feigned Issue by an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter 109, or in such other Form as the Lord Chancellor shall direct, and a new Trial may be moved for in the Court out of which the Writ of Summons shall have been issued.

Appeal to the House of Lords.
14 & 15 Vict c. 89. s. 30.

XXXV. An Appeal shall lie to the House of Lords from all Orders or Decrees made by the Lord Chancellor or other Proceedings before him under this Act: Provided, that after the Expiration of *Six* Months from the making of such Order or Decree no such Appeal shall be brought unless with the special Leave of the Lord Chancellor.

Sealing and Signature of Warrants.
12 & 13 Vict. c. 106. s 29.

XXXVI. Every Warrant issued by the Court shall be under the Seal of the Court and the Hand of a Judge, and every Summons shall be under the Seal of the Court, and under the Hand of a Judge, or of One of the Registrars.

XXXVII. The

Jurisdiction.

Records, Proceedings, &c. to be sealed. 12 & 13 Vict. c. 106. s. 25. 3 & 4 Vict. c. 107. s. 12, 13.

XXXVII. The Court shall cause to be sealed with the Seal of the Court all such Records, Proceedings, Documents, and Copies of the same, as are by this Act expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same, as the Court shall at any Time direct. No Fee shall be receivable by any Judge, Registrar, or Officer of the Court, save such Fees for Copies as are herein-after expressly allowed.

Procedure.

XXXVIII. The Procedure and Practice hitherto observed in the Court of Bankruptcy, and in the Court for the Relief of Insolvent Debtors in Ireland, shall continue to be observed in the Court of Bankruptcy and Insolvency, except where the same are inconsistent with the Provisions of this Act, or any General Order made in pursuance thereof.

Officers of the Court.

XXXIX. The Officers of the Court shall be the Chief Registrar, the Chief Clerk in Insolvency, Two Assistant Registrars, a Deputy-Assistant to the Chief Registrar, Two Official Assignees, the Messengers, and the Clerks of the Court, to be appointed as herein-after mentioned.

Secretary of Bankrupts to be Chief Registrar.

XL. The present Lord Chancellor's Secretary of Bankrupts shall be the First Chief Registrar under this Act, and in addition to his present Duties, shall attend the Court and assist the Court in the Transaction of its administrative Business, and in the taking of undisputed Proofs of Debt, and shall tax such Costs and discharge such Duties generally as the Court shall by any General Order direct.

Salary of Chief Registrar.

XLI. In lieu of the Fees and Emoluments now payable to the Lord Chancellor's Secretary of Bankrupts, a Salary not exceeding *Six hundred Pounds* per Annum be paid to the said Chief Registrar and his Successors; and it shall be lawful for the Commissioners of the Treasury, on the Recommendation of the Lord Chancellor, from Time to Time to order that such Salary shall be increased, provided that the same shall in no Case exceed *Eight hundred Pounds*.

Appointment of Successors to Chief Registrar.

XLII. The Successors to the Chief Registrar shall from Time to Time be appointed by the Lord Chancellor, as a Vacancy shall arise, and shall continue in Office during good Behaviour, and shall not be removed except by Writing under the Hand of the Lord Chancellor, for sufficient Cause therein specified, or by Writing under the Hands of the Judges of the said Court and of the Lord Chancellor without any Cause being therein specified.

Chief Clerk in Insolvency.

His Duties, Fees, and Salary.

XLIII. The present acting Registrar of the Court for Relief of Insolvent Debtors, shall be the First Chief Clerk in Insolvency under this Act; the Chief Clerk in Insolvency shall have all the

Chief Clerk in Insolvency.

Powers hitherto enjoyed, and shall in Matters of Insolvency perform all the Duties hitherto performed by the Chief Clerk in the Court for the Relief of Insolvent Debtors in Ireland, except where the same are inconsistent with the Provisions of this Act, or any General Orders made under the Authority of this Act, and shall also attend the Court and perform such other Duties as the Court shall by any General Order direct. The Salary of said Chief Clerk shall be *Five hundred Pounds* per Annum. It shall be lawful for the Commissioners of the Treasury, on the Recommendation of the Lord Chancellor, from Time to Time to order that such Salary shall be increased, but so as that the same shall in no event exceed *Six hundred and fifty Pounds*.

Assistant to Chief Registrar.

XLIV. The present Clerk in the Office of the Lord Chancellor's Secretary of Bankrupts shall be the Deputy Assistant to the Chief Registrar. It shall be lawful for the Lord Chancellor to direct that a Salary not exceeding *Two hundred Pounds* per Annum be paid to the Deputy Assistant and his Successors.

Clerks in Town and Country Departments.

XLV. The present First Clerk in the Town Department, and the present First Clerk in the Country Department of the Court for the Relief of Insolvent Debtors, shall be the First Clerks in the Town and Country Departments in Insolvency under this Act, and, in addition to their present Duties, shall discharge such other Duties as the Court shall by any General Order direct. It shall be lawful for the Lord Chancellor to direct that a Salary not exceeding *Two hundred and fifty Pounds* per Annum to each be paid to the said Clerks in the Town and Country Departments and their Successors.

Appointment of Clerks.

XLVI. In addition to the before-named Officers of the Court, it shall be lawful for the Court, with the Approbation of the Lord Chancellor, to appoint as many Clerks or Assistants, not exceeding *Three*, and at such Salaries as the Court shall, with the like Approbation and Consent, order; such Salaries, however, not in any Case to exceed, collectively, the annual Sum of *Four hundred Pounds*.

Appointment of Successors to Chief Clerks, &c., &c.

XLVII. The Successors to the Chief Clerk, Assistant Registrars, Deputy-Assistant Registrars, and Clerks, shall, from Time to Time, as Vacancies shall occur, be appointed by the Court, with the Approbation of the Lord Chancellor. The Chief Clerk, Assistant Registrars, Deputy Assistant Registrars, and Clerks, and their Successors respectively, shall hold Office during good Behaviour,

Removal.

and shall not be removed except by Order of the Court, for sufficient Cause therein specified, or by Writing under the Hand of the Lord Chancellor and Judges of the Court, without any Cause being therein specified.

XLVIII. Upon

On Vacancy Chancellor may discontinue Offices.

XLVIII. Upon the happening of any Vacancy in any of the Offices under this Act, save the Office of Judge of the Court, if it shall appear to the Lord Chancellor that it would be unnecessary or inexpedient to continue such Office, it shall be lawful for the Lord Chancellor, by any Order under his Hand, so to declare and direct, and thereupon such Office shall cease and determine.

Of the Registrars.

Appointment and Salary of Registrars. 6 & 7 W. 4. c. 14. s. 13. 1 Vict. c. 48. 12 & 13 Vict. c. 107. s. 66.

XLIX. There shall be Two Assistant Registrars of the Court, and it shall be lawful for the Lord Chancellor to direct that a Salary not exceeding *Four hundred Pounds* per Annum be paid to each Assistant Registrar. The present Registrars of the Court of Bankruptcy in Ireland shall be the First Assistant Registrars of the Court, and shall have the like Powers and Salaries, and be subject to the like Control, in all respects as if they had been appointed under the Provisions of this Act.

Court may direct Registrar to take Proof of Debts, &c. 12 & 13 Vict. c. 106. s. 28. 7 & 8 Vict. c. 96. s. 53.

L. The Court may, when it shall seem expedient, direct the Chief or other Registrar or Chief Clerk to act in the Prosecution of any Bankruptcy or Insolvency, for Proof of Debts, or for the Examination of Persons or Witnesses on Oath, in Dublin or elsewhere; and the Travelling Expenses of such Registrar or Chief Clerk, and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by the Court, and be paid out of the Funds of the Estate or Estates in which such Examination shall take place, or Proof of Debt be received; and such Registrar or Chief Clerk so acting shall have all Power vested in the Court for Proof of Debts and Examination of Persons or Witnesses, except the Power of Commitment: Provided always, that all Depositions and Examinations of Persons and Witnesses taken before such Registrar shall be reduced to Writing, and shall, together with a Record of all Acts done by him, be annexed to and form Part of the Proceedings.

Seal. 12 & 13 Vict. c. 106. s. 29.

LI. The Chief Registrar shall provide a Seal, on which shall be engraven the Style of the Court: and every such Seal shall be kept by the Chief Registrar in trust for the Purposes of the Court; and such Seal shall be the Seal of the Court.

Registrars and Chief Clerk to tax Bills of Costs, &c. 12 & 13 Vict. c. 107. s. 75.

LII. It shall be the Duty of the Registrars and Chief Clerk to tax all such Bills of Fees, Costs, Charges, and Disbursements as may be referred to them or any of them for Taxation; but such Taxation shall be subject to Review by the Court.

And settle Bills of Auctioneers, Appraisers, Valuers, and Accountants.

LIII. All Bills of Charges, Fees, and Disbursements of any Auctioneer, Appraiser, Broker, Valuer, or Accountant, employed by any Assignee or Messenger, for Business done under such Employment,

12 & 13 Vict. c. 107. s. 76. 5 & 6 Vict. c. 122. s. 83.

ment, shall be settled by the Registrars or Chief Clerk, subject to Review by the Court; and the Amount of the Bills so settled and no more, shall be paid to or recoverable by such Auctioneer, Appraiser, Broker, Valuer, or Accountant.

Office of Clerk of Enrolments abolished; Chief Registrars to keep Records. 6 & 7 W. 4. c. 14. ss. 109–111. 2 & 3 W. 4. c. 114. ss. 1–6. 5 & 6 Vict. c. 122. s. 74. 15 & 16 Vict. c. 77. s. 11.

LIV. After the *Commencement of this Act*, the Duties of the Person, by an Act passed in the Parliament of Ireland in the Eleventh and Twelfth Years of the Reign of King George the Third, intituled "An Act to prevent Frauds committed by Bankrupts," directed to be appointed by the Lord Chancellor, and to have the Custody of all Matters relating to Commissions of Bankrupt, and known as the Clerk of Enrolments in Bankruptcy in Ireland, shall be transferred to the Chief Registrar; and all Records, Proceedings, Books, Papers, and Documents in the Possession of the said Clerk of Enrolments in the Place appointed by the Lord Chancellor for the Custody of the Matters aforesaid, shall be removed to the Office of the Court, and shall be there kept as Records of the Court of Bankruptcy and Insolvency; and the said Chief Registrar shall enter of Record all Matters and Proceedings in Bankruptcy and Insolvency under this Act, or any Order to be made in pursuance hereof, directed to be entered of Record, or such Portions thereof in lieu of the whole as the Court shall by any Order direct.

Registrar to enter Proceedings. 2 & 3 W. 4. c. 114. s. 14.

LV. It shall be lawful for the Chief Registrar to enter of Record any Proceeding in Bankruptcy or Insolvency by this Act directed to be so entered, upon the Application of or on behalf of any Person interested therein, without special Order; and any Judge shall have full Power upon Application made to him for that Purpose, to direct any Commission of Bankrupt heretofore issued, and the Depositions and Proceedings had and taken under the same, and all Matters and Proceedings heretofore had in the Court for the Relief of Insolvent Debtors in Ireland, or such Part or Parts thereof as he shall think fit, to be entered of Record.

Official Assignees.

Existing Official Assignees to be continued. 12 & 13 Vict. c. 107. ss. 28–37.

LVI. The present Official Assignees in Bankruptcy shall continue to be Official Assignees for the Purposes of this Act, and shall have all the Powers and Privileges, and shall be subject to the like Control as if they had been appointed under this Act.

Estates of Insolvents now vested in Provisional Assignee to vest in Official Assignees.

LVII. All the Estate and Effects of Insolvent Debtors now vested in the Provisional Assignee of the Court for Relief of Insolvent Debtors in Ireland, shall vest in the Official Assignees appointed under this Act.

Official Assignees to act with Creditors Assignees.

LVIII. It shall be lawful for the Court to direct that the Official Assignees shall be joined and act with the existing Creditors Assignees

Assignees in any Matter of Insolvency pending at the Commencement of this Act, and to direct the existing Assignees to pay and deliver over to the Official Assignees all Monies, Securities, Books, Property, and Effects in their Possession as such Assignees, and that all the Estate and Effects in such Insolvency shall vest in the Official Assignees jointly with the Creditors Assignees. *Official Assignees.*

LIX. It shall be lawful for the Lord Chancellor at any Time to remove any Official Assignee from his Office. Official Assignee removable.

LX. Upon any Vacancy in the Office of Official Assignee, it shall be lawful for the Lord Chancellor from Time to Time to appoint a proper Person, being a Merchant, Broker, or Accountant to act as Official Assignee for the Purposes of this Act; and such Official Assignee shall give such Security, and be subject to such Rules, and act in such Manner, and perform such Duties as may from Time to Time be directed by any General Order. Appointment of Official Assignees. 1 & 2 W. 4. c. 56. s. 22. 5 & 6 Vict. c. 122. s. 48.

LXI. The Official Assignees for the Time being and their Successors when appointed shall be Assignees of each Bankrupt's and Insolvent's Estate and Effects, and act with the Assignee (if any) chosen by the Creditors; but the Real and Personal Estate and Effects of every Bankrupt and Insolvent, and the Income and Proceeds thereof, shall be possessed and received by the Official Assignees alone, save where it shall be otherwise directed by the Court; and all Stock in the Public Funds or of any Public Company, and all Monies, Exchequer Bills, India Bonds, or other Public Securities, and all Bills, Notes, and other negotiable Instruments shall be forthwith transferred, delivered, and paid by such Official Assignees into the Bank of Ireland, and shall from Time to Time be kept there to the Credit of the Official Assignees and of the Creditors Assignee or (if any), subject to such Order and Regulation for the keeping of the Account of the said Monies and other Effects, and for the Payment, Delivery, and Investment of the same, as the Court shall direct. Their Duty. 12 & 13 Vict. c. 106. s. 29. 3 & 4 Vict. c. 107. s. 28. s. 30.

LXII. The Messengers shall follow the Instructions of the Official Assignees, subject to the Directions and Control of the Court, with respect to the taking and keeping possession of the Bankrupt's and Insolvent's Estate or Effects. Messenger to follow Instructions of Official Assignee. 17 & 18 Vict. c. 119. s. 23.

LXIII. Until Assignees shall be chosen by the Creditors, the Official Assignees shall to all Intents and Purposes whatsoever be the Assignees of every Bankrupt's and Insolvent's Estate and Effects, and, if the Court shall so order, may sell or otherwise dispose of any Property which from its Nature or for any other Reason the Court shall think ought to be disposed of without Delay. To act as sole Assignee till Creditors Assignees chosen, &c. 12 & 13 Vict. c. 106. s. 40. c. 107. s. 34.

 LXIV. After

Official Assignees.

Not to interfere with Creditors Assignees in Appointment, &c. of Solicitor, &c. 12 & 13 Vict. c. 106. s. 41.

LXIV. After Assignees have been chosen by the Creditors, the Official Assignees shall not interfere with the Creditors Assignees in the Appointment or Removal of a Solicitor or Attorney, or in directing the Time and Manner of effecting any Sale of the Property.

Official Assignee not personally liable for Acts done in execution of his Duty. 12 & 13 Vict. c. 106. s. 41.

LXV. No Official Assignee shall be personally liable by reason of any of the Matters upon which an Adjudication of Bankruptcy shall have been grounded being insufficient to support such Adjudication; or in respect of his Receipt in his official Capacity of any Money or negotiable Instruments, provided he shall not have dealt with the same otherwise than as directed by the Court, or required by this Act, or by any Order made in pursuance of this Act.

If Official Assignee made Defendant in certain Cases, Court may set aside Proceedings. 3 & 4 Vict. c. 107. s. 35.

LXVI. If an Official Assignee is made a Defendant in any Action in respect of such Money or negotiable Instruments, a Judge of the Court in which the Action is brought may, upon an Affidavit of Facts, stay or set aside the Proceedings in such Action so far as the Official Assignee is concerned, and make such Order as to Costs as to the Judge shall seem meet.

Official Assignee not liable for Costs as Plaintiff.

LXVII. No Official Assignee shall be personally liable for the Costs of any Action in which he shall be Plaintiff pursuant to the Directions of the Court.

Remuneration to Official Assignee. 12 & 13 Vict. c. 106. s. 44. c. 107. s. 37.

LXVIII. The Court may order to be paid out of any Bankrupt's or Insolvent's Estate to the Official Assignee, as a Remuneration for his Services, such Per-centage on the Amount realized as shall upon Consideration of the Circumstances of each Case appear to be just and reasonable.

Returns by Official Assignees. 12 & 13 Vict. c. 106. s. 45.

LXIX. On or before the *First Day of March* in every Year, if Parliament be then sitting, or if not within *Fourteen* Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament a Return by the Official Assignees in the Form contained in Schedule (B.) to this Act annexed, showing the Particulars in such Form mentioned, in respect of every Estate under their Charge, and which shall not have been finally wound up on the *Thirty-first Day of December* in the preceding Year; and such Return shall be certified by the Chief Registrar, and shall be subject to such further Regulation, as to the Form of the same or otherwise, as the Judges of the Court may from Time to Time think fit to make.

Messengers.

Number of Messengers to be Two.

How to be appointed and paid.

LXX. There shall be *Two* Messengers of the Court, who shall be appointed from Time to Time by Warrant under the Hand of the Judges of the Court, and shall continue in Office at the Pleasure of the Judges of the Court; and it shall be lawful for the Lord Chancellor

cellor to direct, with reference both to the present and any future Messengers, that a Salary not exceeding *Two hundred and fifty Pounds* per Annum be paid to each Messenger in lieu of all Fees. *Messengers.*

LXXI. It shall be lawful for the Court to appoint by Warrant as aforesaid Assistant Messengers of the Court in Special Cases: The Duties of the Messengers shall be such and they shall give such Security as the Court shall by any General Order from Time to Time direct: It shall be lawful for the Court by any General or Special Order to direct from Time to Time how and by whom, or out of what Fund under the Control of the Court, and according to what Scale, the travelling and other Expenses of the Messengers incurred in performing such Duties shall be paid. Court may appoint Assistant Messengers. Duties. Travelling Expenses, &c. how paid.

LXXII. If any present or future Messenger shall act as Agent in any Bankruptcy or Insolvency, he or they shall for ever thereafter be incapable of holding the Office of Messenger; and every Messenger shall, before he shall be capable of acting in the Execution of his Office, take before the Commissioner the following Oath; (that is to say,) Messenger not to act as Agent. 6 & 7 W. 4. c. 14. s. 154. 1 Vict. c. 48. ss. 9, 10.

'I A.B. do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the several Orders which I shall receive from the Court of Bankruptcy and Insolvency, in any Bankruptcy or Insolvency in which I am or shall hereafter be appointed to act as Messenger; and that I will not knowingly suppress or conceal the Truth, or suggest or practise any Falsehood in respect to any Matter or Thing relating to any Bankruptcy or Insolvency, or any of the Proceedings thereunder;

'So help me GOD.'

LXXIII. It shall be lawful for any Messenger of the Court and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of any Bankrupt or Insolvent, where such Bankrupt or Insolvent or any of his Property shall be reputed to be, and seize upon the Body or Property of such Bankrupt and Insolvent; and if the Bankrupt or Insolvent be in Prison or in Custody it shall be lawful for the Messenger and his Assistants to seize any Property of the Bankrupt or Insolvent (save the Articles excepted in this Act and his necessary Wearing Apparel) in the Custody or Possession of such Bankrupt or Insolvent, or of any other Person, in any Prison or Place where such Bankrupt or Insolvent is in Custody. Messenger may break open the Bankrupt's or Insolvent's Doors, &c., and seize upon his Body or Property. 6 & 7 W. 4. c. 14. s. 40. 12 & 13 Vict. c. 106. s. 109.

LXXIV. It shall be lawful for the Messenger and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Execution of Warrant in England. 6 & 7 W. 4. c. 14. s. 41.

Messengers.

Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt or Insolvent in England, where such Bankrupt or Insolvent or any of his Property shall be reputed to be, and to seize upon the Body or Property of such Bankrupt or Insolvent, and also to execute within England such Search Warrant as herein-before mentioned; provided such Warrant and Search Warrant respectively shall have been verified upon Oath before and backed or endorsed by the Mayor or Chief Magistrate of the City, Borough, or Town Corporate where or near to which the same is executed.

Execution of Warrant in Scotland.
6 & 7 W. 4. c. 14 s. 43.
12 & 13 Vict. c. 106. s. 111.

LXXV. It shall be lawful for the Messenger and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt or Insolvent in Scotland, where such Bankrupt or Insolvent or any of his Property shall be reputed to be, or to seize upon the Body or Property of such Bankrupt or Insolvent, and also to execute within Scotland such Search Warrant as herein-before mentioned; provided such Warrant and Search Warrant respectively shall have been verified upon Oath, and backed or endorsed by any Judge ordinary or Justice of the Peace in Scotland, who are hereby required, within their respective Jurisdictions, to back or endorse the same.

Authority of Messenger in England and Scotland.

LXXVI. Such Warrant so endorsed shall be sufficient Authority to the Messenger or his Assistant bringing such Warrant, and to all Officers of the Law in England and Scotland to execute the same within the County, City, or Burgh wherein it is so endorsed, and in virtue thereof to break open the House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of such Bankrupt or Insolvent, and to seize upon the Body or Property of such Bankrupt or Insolvent, to be dealt with according to Law.

Remuneration to Messenger.

LXXVII. The Court may order to be paid to any Messenger, in addition to his Salary, out of the Bankrupt's or Insolvent's Estate, a Percentage not to exceed *One* per Cent. on the Amount realized from the Property seized by such Messenger.

Exemptions and Disqualifications of Officers, &c.

Officers, &c. exempt from serving on Juries, &c.
12 & 13 Vict. c. 106. s. 47.

LXXVIII. The Registrars, the Chief Clerk, the Official Assignees, the Officers, and the Messengers of the Court shall be exempted from serving any Parochial Office or on any Jury or Inquest.

No Judge, &c. to practise as a Barrister, &c.

Registrars, and other Officers to

LXXIX. No present or future Judge or Officer of the Court shall while in Office, practise as a Barrister; and the Registrars, Official Assignees, and all other Officers appointed or to be appointed under this Act, except the Judges of the Court, shall from and after the *passing of this Act* be considered to be Officers of the Court of Chancery

Chancery in Ireland, and subject and liable to the like Incapacity of acting as Attornies or Solicitors, and to the same Liabilities and Penalties as to Removal from Office for Misconduct, and as regards the exacting or taking any Fee or Sum of Money not allowed by Law, and generally in all respects as any Officer of the said Court is or may be by Law liable or subject to.

be deemed Officers of the Court of Chancery. 12 & 13 Vict. c. 107. s. 117.

Salaries, &c.

LXXX. The Salaries of the Chief and other Registrars, Chief Clerk, Officers, and Messengers, shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever, except the Tax on Income, on the usual Quarterly Days, out of such Funds as Parliament shall from Time to Time provide for the Purpose; and if any Person holding either of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive a proportionable Part of his Salary for the Time that such Person shall have executed his Office since the last Payment.

Salaries of Judges, Registrars, and Messengers to be paid out of Funds provided by Parliament.

LXXXI. *All Compensations and Annuities which shall have been ordered to be paid, and continue payable, under the Ninth Section of the Statute Sixth and Seventh William the Fourth, Chapter Fourteen, shall be charged upon and paid to the Persons entitled thereto out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and shall be paid and payable to such Persons free from all Taxes, except the Tax on Income, and for such Term and in such Manner as may have already been ordered under the said Act.*

Compensations and Annuities under former Act continued. 6 & 7 W. 4. c. 14. s. 9.

LXXXII. Her Majesty may grant unto any Person executing the Office of Judge of the Court in pursuance of this Act, an Annuity not exceeding *Two Thirds* of his Salary as such Judge, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be *issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland*; and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever except Income Tax, by equal Portions, on the same quarterly Days as the Salary of such Judge was payable; and the First quarterly Payment, or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on each of the same Days as shall happen next after the Resignation of the said Office; and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate

Retiring Pension to Judges.

Salaries, &c.

proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death; provided, that it shall be lawful for Her Majesty to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the Salary to which such Person was entitled as Judge of the Court; provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of Commissioner of the said Court of Bankruptcy for the Period of *Fifteen* Years, or shall be afflicted with some permanent Infirmity, disabling him from the due Execution of his Office, which shall be distinctly recited in the Grant.

Retiring Allowance to present Commissioner of Insolvent Court in Ireland.
3 & 4 Vict. c. 107. s. 5.

LXXXIII. *The present Commissioner of the Court for Relief of Insolvent Debtors in Ireland shall be entitled to receive during his Life, by way of retiring Pension, an annual Sum equivalent to the Amount of his Salary, payable out of the same Funds and in the same Manner as his present Salary.*

Compensation to Clerk of Inrolments and other Officers whose Emoluments are affected by this Act.
15 & 16 Vict. c. 77, s. 12.

LXXXIV. The present Clerk of Inrolments in Bankruptcy, and any other Officer of the Court of Chancery and the Chief Clerk and other Officers of the Court for the Relief of Insolvent Debtors in Ireland, whose Office or the Emoluments thereof may be affected by the Operation of this Act, and who shall not be appointed to an Office of equal Value under this Act shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within *Six* Months after the passing of this Act; and the said Commissioners shall, in such Manner as they shall think fit, inquire into the Nature and Tenure of the said Offices, and what were the lawful Salary, Fees, Profits, and Emoluments in respect of which such Compensation should be allowed; and the said Commissioners shall award such Compensation as they shall think just and adequate; and such Compensation shall be payable out of such Funds as Parliament shall provide for the Purpose, and shall be paid at such Times as the Commissioners shall by any Order or Orders from Time to Time direct.

Sum not exceeding 600*l.* per annum to be subject to Orders of Lord

LXXXV. A Sum not exceeding *Six hundred Pounds* per Annum, out of such Funds as Parliament shall provide for the Purpose, shall be subject to all such Orders as shall from Time to Time be made by the

Salaries, &c.

Chancellor for incidental Expenses. 12 & 13 Vict. c. 106. s. 58.

the Lord Chancellor for Payments thereout in respect of the Salaries of any additional Clerks in the Office, Court Keeper, and Tipstaff, or for Stationery, Coals, and Candles for the Use of the Court, Rent of the Buildings, incidental Expenses, and in respect of all Expenses incurred in carrying this Act into effect: All Accounts for Stationery and other incidental Expenses of the Court or the Offices thereof shall be audited and allowed by One of the Judges, before any Order for Payment shall be obtained.

Place for holding the Court.

Sittings, &c. to be held in Buildings at Four Courts, subject to Order of the Court. 6 & 7 W. 4. c. 14. s. 13.

LXXXVI. Until more suitable Accommodation shall be provided, all Sittings of the Court in Dublin, and all Meetings of Creditors convened by public Advertisement under this Act shall (unless the Court shall otherwise direct) be held in the Buildings at the Four Courts now used by the Commissioners of Bankrupt; and the Court may, if deemed expedient, use for its Sittings, and for any other of its Purposes, the Court House and Buildings situate on Lower Ormond Quay in the City of Dublin, and known as the Insolvent Debtors Court.

Court may alter Place of Sitting.

Name of Court.

LXXXVII. It shall be lawful for the Court, with the Consent of the Lord Chancellor, to fix and appoint any other Place for the Sittings of the Court: the Place in which the Sittings of the Court shall from Time to Time be held may be called the Court of Bankruptcy and Insolvency.

Persons liable to become bankrupt.

Enumeration of the Traders liable to become bankrupt. 6 & 7 W. 4. c. 14. ss. 18. 25. 12 & 13 Vict. c. 107. s. 10. 12 & 13 Vict. c. 106. s. 65.

LXXXVIII. All Alum Makers, Apothecaries, Auctioneers, Bankers, Bleachers, Brokers, Brick Makers, Builders, Calenderers, Carpenters, Carriers, Cattle or Sheep Salesmen, Coach Proprietors, Cowkeepers, Dyers, Fullers, Keepers of Inns, Taverns, Hotels, or Coffee Houses, Limeburners, Livery Stable Keepers, Market Gardeners, Millers, Packers, Printers, Shipowners, Shipwrights, Victuallers, Warehousemen, Wharfingers, Persons using the Trade or Profession of a Scrivener receiving other Men's Monies or Estates into their Trust or Custody, Persons insuring Ships or their Freight or other Matters against Perils of the Sea, and all Persons using the Trade of Merchandise by way of bargaining, Exchange, bartering, Commission, Consignment, or otherwise, in gross or by retail, and all Persons who either for themselves or as Agents or Factors for others seek their Living by buying and selling, or by buying and letting for Hire, or by the Workmanship of Goods or Commodities, shall be deemed Traders liable to become bankrupt; provided, that no Farmer, Grazier, common Labourer, or Workman for Hire, Receiver General of the Taxes, or Member of or Subscriber to any incorporated Commercial or Trading Company established by Charter or Act of Parliament, shall be deemed as such a Trader liable to become bankrupt.

What Persons not to be deemed such Traders.

Traders having Privilege of Parliament.
12 & 13 Vict. c. 106. s. 66.
6 W. 4. c. 14. s. 25.

LXXXIX. If any such Trader having Privilege of Parliament shall commit any Act of Bankruptcy he may be dealt with under this Act in like Manner as any other Trader, but such Person shall not be subject to be arrested or imprisoned during the Time of such Privilege, except in Cases made Felonies or Misdemeanors by this Act.

Acts of Bankruptcy.

Departing the Realm, absenting, beginning to keep House, yielding to Prison, fraudulent Outlawry, Arrest, Attachment, Execution, Conveyance, Surrender, Gift, Delivery, or Transfer.
6 & 7 W. 4. c. 14. ss. 19–27.
12 & 13 Vict. c. 107. ss. 20–23.
12 & 13 Vict c. 106. ss. 69–77.

XC. If any such Trader shall depart this Realm, or being out out of this Realm shall remain abroad, or shall depart from his Dwelling House or otherwise absent himself, or begin to keep his House, or suffer himself to be arrested or taken in Execution for any Debt not due, or yield himself to Prison, or suffer himself to be outlawed, or procure himself to be arrested or taken in Execution, or his Goods, Money, or Chattels to be attached, sequestered, or taken in Execution, or make or cause to be made, either within this Realm or elsewhere, any fraudulent Grant or Conveyance of any of his Lands, Tenements, Goods, or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements wheresoever situate, or make or cause to be made any fraudulent Gift, Delivery, or Transfer of any of his Goods or Chattels, every such Trader doing, suffering, procuring, executing, permitting, making, or causing to be made any of the Acts, Deeds, or Matters aforesaid, with Intent to defeat or delay his Creditors, shall be deemed to have thereby committed an Act of Bankruptcy.

Conveyance of a Trader's Property not an Act of Bankruptcy unless a Petition for Adjudication be filed within Three Months.

XCI. If any such Trader shall execute any Conveyance or Assignment by Deed of all his Estate and Effects to a Trustee or Trustees for the Benefit of all the Creditors of such Trader, the Execution of such Deed shall not be deemed an Act of Bankruptcy unless a Petition of Bankruptcy be filed within *Three* Months from the Execution thereof, provided such Deed shall be executed by every such Trustee within *Fifteen* Days after the Execution thereof by the Trader, and the Execution by the Trader and by every such Trustee be attested by an Attorney or Solicitor, and Notice thereof be given within *One Month* after the Execution thereof by such Trader, in case such Trader reside in Dublin or within *Forty* Miles thereof, in the "Dublin Gazette", and also in *Two* Dublin daily Newspapers, and in case such Trader does not reside within *Forty* Miles of Dublin, then in the "Dublin Gazette" and in One Dublin daily Newspaper and One Provincial Newspaper published near to such Trader's Residence, and such Notice shall contain the Date and Execution of such Deed, and the Name and Place of Abode respectively of every such Trustee and Attorney or Solicitor.

Lying in Prison and escaping out of Prison.

XCII. If any such Trader, having been arrested or committed to Prison for Debt, or on any Attachment for Nonpayment of Money, shall,

shall, upon such or any other Arrest or Commitment for Debt or Nonpayment of Money, or upon any Detention for Debt, lie in Prison for *Twenty-one* Days, or, having been arrested or committed to Prison for any other Cause, shall lie in Prison for *Twenty-one* Days after any Detainer for Debt lodged against him, and not discharged, every such Trader shall thereby be deemed to have committed an Act of Bankruptcy; or if any such Trader, having been arrested, committed, or detained for Debt, shall escape out of Prison or Custody, every such Trader shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest, Commitment, or Detention.

Acts of Bankruptcy.
6 W. 4. c. 14. s. 21.

XCIII. If any such Trader shall file in the Office of the Court a Declaration in Writing, in the Form contained in Schedule (C.) to this Act annexed, or to the like Effect, or in such other Form as the Court may by any General Order fix and direct, signed by such Trader and attested by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Trader shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition of Bankruptcy shall be filed and prosecuted by or against such Trader within *Two* Months from the filing of such Declaration.

Filing a Declaration of Insolvency.
12 & 13 Vict. c. 107. s. 22.

XCIV. If any such Trader, after the Filing of any Petition of Bankruptcy against him, shall pay Money to the Petitioning Creditor, or give or deliver to such Petitioning Creditor any Satisfaction or Security for his Debt or for any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debt than the other Creditors, such Payment, Gift, Delivery, Satisfaction or Security shall be an Act of Bankruptcy; and if Adjudication of Bankruptcy shall have been made under such Petition, the Court may either declare such Adjudication to be valid, and direct the same to be proceeded in, or may order it to be annulled, and a Petition or new Petition for Adjudication may be filed, and such Petition or new Petition may be supported either by Proof of such last-mentioned or any other Act of Bankruptcy.

Compounding with Petitioning Creditor.
6 W. 4. c. 14. s. 24.

XCV. If any Plaintiff shall recover Judgment in any Action for the Recovery of any Debt or Money Demand in any of Her Majesty's Superior Courts against any such Trader, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off against such Judgment, and such Trader shall not within *Fourteen* Days after Notice in Writing personally served upon such Trader, requiring immediate Payment of such Judgment Debt, pay, secure, or

Trader not paying, securing, or compounding for a Judgment Debt upon which the Plaintiff might sue out Execution within Fourteen Days after Notice requiring Payment.

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or compound for the same to the Satisfaction of such Plaintiff, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Fifteenth* Day after Service of such Notice: Provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice; but that it shall be lawful, nevertheless, for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner aforesaid.

Trader disobeying Order of a Court of Equity, &c. for Payment of Money after Service of peremptory Order for Payment on a certain Day. 12 & 13 Vict. c. 107. s. 21.

XCVI. If any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Trader, ordering such Trader to pay any Sum of Money, and such Trader shall disobey such Decree or Order, the same having been duly served upon him, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Trader, being personally served with such last-mentioned Order *Fourteen* Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Day next after the Day so appointed for Payment of such Money.

Filing Petition of Insolvency in England, Scotland, or Ireland. 3 & 4 Vict. c. 107. s. 27.

XCVII. If any such Trader shall apply to the Court by Petition for his Discharge as an Insolvent Debtor, or to any Court for the Relief of Insolvent Debtors in England or Scotland, the filing of such Petition shall be an Act of Bankruptcy, if within *Two* Months a Petition of Bankruptcy shall be filed and prosecuted against or by such Trader.

Filing Petition in Insolvent Debtors Court in India. 11 & 12 Vict. c. 21.

XCVIII. The filing by any such Trader of a Petition under an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws "relating to Insolvent Debtors in India," and the Adjudication of an Act of Insolvency under that Act, shall for the Purposes of this Act be conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, or of filing the Petition on which the Adjudication of an Act of Insolvency shall be made; and any Creditor or Creditors of such Trader, whose Debt or Debts shall be of sufficient Amount to enable him or them to petition

petition for Adjudication of Bankruptcy under this Act, may at any Time within *Two* Months after Notice of the Insolvency shall have been given in the "London Gazette," as directed by the said Act for amending the Laws relating to Insolvent Debtors in India, petition for Adjudication of Bankruptcy under this Act against such Trader, under which all such Proceedings may be taken as are authorized by this Act, subject to such Exceptions and Provisions as are contained in the last-mentioned Act in this Behalf. *Acts of Bankruptcy.*

XCIX. The filing of a Petition by any such Trader for an Arrangement between him and his Creditors, under the Superintendence of the Court, according to the Provisions of this Act, shall be conclusive Evidence of an Act of Bankruptcy committed at the Time of filing such Petition, provided a Petition for Adjudication shall be filed against or by him within *Two* Months after the Petition for Arrangement shall have been dismissed; but no Adjudication shall be made on such Act of Bankruptcy unless such Petition for Arrangement shall have been dismissed. Filing Petition for Arrangement between a Trader Debtor and his Creditors. 12 & 13 Vict. c. 107. s. 23.

C. In case any such Trader has Privilege of Parliament, any Creditor or Creditors of such Trader to an Amount requisite to support a Petition for Adjudication may file an Affidavit in any of the Superior Courts of Record in Dublin that such Debt is justly due, and that such Debtor is, according to the Belief of the Party swearing, such Trader, and may sue out of the same Court a Writ of Summons in the Form contained in Schedule (D.) to this Act annexed, or to the like Effect, against such Trader, and serve him with a Copy of such Summons; and if such Trader shall not within *Twenty-one* Days after personal Service of the Summons either pay, secure, or compound for such Debt to the Satisfaction of such Creditor or Creditors, or enter into a Bond for such Amount, and with such sufficient Sureties as any Judge of the Court issuing the Summons shall approve of, to pay such Sum and Costs as shall be recovered in such Action, such Trader shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Summons. Trader having Privilege of Parliament not paying or compounding to the Satisfaction of the Creditor, and entering Appearance to Action within One Month. 6 W. 4. c 14 s. 26.

CI. If any Creditor of any such Trader to an Amount requisite to support a Petition for Adjudication shall file in the Court an Affidavit that such Debt is justly due, and shall cause him to be served personally with a Copy of such Affidavit, and with a Notice in Writing stating that such Affidavit hath been filed, pursuant to this Act, and requiring immediate Payment of such Debt, and if such Trader shall not within *Twenty-one* Days after personal Service of such Affidavit and Notice, or within such further Time as the Court shall order, pay such Debt, or secure or compound for the same Manner of making a Debtor a Bankrupt by Affidavit of Debt and Notice to pay. 12 & 13 Vict. c. 107. s. 24. Creditor to file an Affidavit of Debt, and serve Notice requiring Payment within Twenty-one Days.

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same to the Satisfaction of such Creditor, or enter into a Bond in such Sum and with Two such sufficient Sureties as shall be approved of by the Court, or by any Master Extraordinary of the Court of Chancery, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in the same, or to render himself to Custody according to the Practice of the Court in which such Action shall have been or may be brought, or within such Time and in such Manner as the said Court or any Judge thereof shall direct, after Judgment shall have been recovered in such Action, then and in any such Case such Trader shall be deemed to have committed an Act of Bankruptcy on the *Twenty-second* Day after Service of such Affidavit and Notice, provided a Petition of Bankruptcy shall be filed against or by such Trader within *Two* Months from the filing of such Affidavit, but not otherwise.

Acts of Bankruptcy by Nonpayment after Summons.

Creditor making Affidavit of Debt, &c. Court may summon the Trader.
12 & 13 Vict. c. 107. ss. 11–19.
12 & 13 Vict. c. 106. ss. 78–86.

CII. If any Creditor of any such Trader shall file an Affidavit in the Office of the Court, in the Form specified in Schedule (E.) hereunto annexed, or to the like Effect, of the Truth of his Debt, and of the Debtor, as he verily believes, being such Trader, and of the Delivery to such Trader personally, or to some adult Inmate at his usual or last known Place of Abode or Business, of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in Schedule (F.) annexed to this Act, or to the like Effect, it shall be lawful for the Court to issue a Summons, in the Form contained in Schedule (G.) annexed, or to the like Effect, to this Act, calling upon such Trader to appear before the Court, and stating in such Summons the Purpose for which such Trader is called upon to appear as herein-after provided; and if the Demand of the Creditor appear by such Affidavit to be due from Two or more Persons as Partners, the Affidavit of the Delivery of such Account and Notice to any One of the Partners personally, or to some adult Inmate, at his usual or last known Place of Abode or Business, and also at the Place of Business of the Firm, shall be sufficient to authorize the Court to issue such Summons against any other of such Partners, as well as against the Partner served personally with such Account and Notice.

Delivery of Notice, &c. in case of Partnership.

Manner of Proceeding upon the Appearance of the Trader.

CIII. On the Appearance of any such Trader so summoned, the Court may require him to state whether or not he admits the Demand of the Creditor, or any and what Part thereof; and if such Trader shall admit such Demand, or any Part thereof, the Court may reduce such Admission into Writing, in the Form contained in Schedule

Schedule (H.) annexed to this Act or to the like Effect, and such Admission so reduced into Writing such Trader is hereby required to sign, and being so signed the same shall thereupon be filed in the Bankrupt Office; and the Court may allow such Trader upon his said Appearance to make a Deposition upon Oath, in Writing under his Hand, to be filed in such Office, in the Form contained in Schedule (I.) annexed to this Act, or to the like Effect, that he verily believes he has a good Defence upon the Merits to such Demand, or to some and what Part thereof, and in such Case the Court may at the same Time require such Trader to enter into a Bond, according to the Form contained in the Schedule (J.), or to the like Effect, to this Act annexed, in such Sum, and with *Two* sufficient Sureties, as the Court shall approve of, to pay such Amount and Costs as shall be recovered in any Action brought for the Recovery of such Demand or any Part thereof. *Acts of Bankruptcy.*

Trader not attending Summons, or refusing to admit the Demand, &c., and not paying or compounding within a certain Time, or giving Bond for Payment of the same, if recovered in Action, &c., with Costs, to be an Act of Bankruptcy. 12 & 13 Vict. c. 107. s. 13.

CIV. If any such Trader so summoned shall not come before the Court at the Time appointed (having no lawful Impediment proved to the Satisfaction of the Court, and allowed), or if any such Trader upon his Appearance to such Summons, or at any Enlargement or Adjournment thereof, shall refuse to admit such Demand, and shall not make a Deposition in the Form aforesaid that he believes he has a good Defence upon the Merits to such Demand or some Part thereof, and (if required by the Court so to do) enter into such Bond as last aforesaid, then and in either of the said Cases, if such Trader shall not within *Fourteen* Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for such Demand to the Satisfaction of such Creditor, or enter into a Bond in such Sum, and with *Two* sufficient Sureties, as such Court shall approve of, to pay such Sum and Costs as shall be recovered in any Action brought for the Recovery of the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Fifteenth* Day after Service of such Summons, provided a Petition of Bankruptcy shall be filed against or by such Trader within *Two* Months from the filing of such Affidavit.

Trader signing Admission, and not paying, securing, or compounding within a certain Time, an Act of Bankruptcy.

CV. If any such Trader so summoned as aforesaid shall upon his Appearance sign and file an Admission of such Demand in Form aforesaid, and shall not within *Fourteen* Days next after the filing of such Admission pay or tender to such Creditor the Amount of such Demand, or secure or compound for the same to the Satisfaction of the Creditor, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Fifteenth* Day after the filing of such

Acts of Bankruptcy

Admission, provided a Petition of Bankruptcy shall be filed against or by such Trader within *Two* Months from the filing of such Affidavit.

Trader admitting Part only of a Demand, &c., and not paying, &c., the Sum admitted, and as to Residue not paying the same, &c., or giving Bond to pay the same, if recovered in an Action, with Costs, an Act of Bankruptcy.

CVI. If any such Trader so summoned as aforesaid shall upon his Appearance sign an Admission for Part only of such Demand in the Form aforesaid, and shall not make a Deposition in the Form aforesaid that he believes he has a good Defence upon the Merits to the Residue of such Demand, and (if required by the Court so to do) enter into such Bond as aforesaid to pay such Sum and Costs as shall be recovered in any Action for the Recovery of such Residue, then and in such Case, if such Trader, as to the Sum so admitted, shall not within *Fourteen* Days next after the filing of such Admission pay or tender to such Creditor the Sum so admitted, or secure or compound for the same to the Satisfaction of the Creditor, and as to the Residue of such Demand shall not within *Fourteen* Days after personal Service of such Summons or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for the same to the Satisfaction of such Creditor, or enter into a Bond in such Sum, and with *Two* sufficient Sureties, as the Court shall approve of, to pay such Sum and Costs as shall be recovered in any Action brought for the Recovery of such Residue, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Fifteenth* Day after Service of such Summons, provided a Petition of Bankruptcy shall be filed against or by such Trader within *Two* Months from the filing of such Affidavit.

What shall be deemed a Refusal to admit of Debt. 12 & 13 Vict. c. 107. s. 16.

CVII. If any such Trader so summoned as aforesaid shall upon his Appearance refuse to sign the Admission in that Behalf required, whatever may be the Nature of his Statement, or whether he makes any Statement or not, it shall be deemed for the Purposes of this Act that every such Trader thereby refuses to admit such Demand: Provided always, that it shall be lawful for the Court, upon reasonable Cause shown, to enlarge the Time for calling upon such Trader to state whether or not he admits such Demand or any Part thereof, and for entering into such Bond, or for any of such Matters, for such Time as the Court shall think fit.

Court may enlarge the Time for Admission of entering into Bond, &c.

Admission of Debt, signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as an Admission signed in Court.

CVIII. An Admission of any Debt made after such Summons, and signed by any such Trader elsewhere than before the Court, may be filed in the Office of the Court, and shall be of the same Force and Effect as an Admission signed by such Trader on his Appearance in Court; and such Admission may be in the Form contained in Schedule (K.) to this Act annexed or to the like Effect, and provided that there be present some Attorney of One of Her Majesty's Superior Courts of Law on behalf of such Trader, expressly named by him, and attending at his Request, to inform him of the Effect of such Admission,

Admission, before the same is signed by such Trader; and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and state therein that he subscribes as such Attorney.

Acts of Bankruptcy. s. 17.

CIX. Where any such Trader shall be summoned to appear before the Court, every such Creditor or Trader shall have such Costs as the Court in its Discretion shall think fit, or the Court may direct the Costs of either Party of and incident to such Affidavit and Summons to abide the Event of any Action which shall have been brought or shall thereafter be brought for the Recovery of such Demand or any Part thereof, and in such Case such Costs shall be Costs in the Cause, and recovered under the Judgment and Execution in such Action, or the Court may make such Order in relation to such Costs as to the Court shall seem fit and just.

Court may award Costs to the Creditor or to the Trader summoned.

CX. If any Secretary, public Officer, or other accredited Agent of any Body Corporate or public Company shall have had Notice of any Act of Bankruptcy, such Body Corporate or Company shall be deemed to have had such Notice.

Notice of Acts of Bankruptcy to Agents of Corporate Bodies, &c. 6 & 7 W. 4. c. 14. s. 99. 12 & 13 Vict. c. 106. s. 87.

CXI. No Person shall be liable to be declared a Bankrupt by reason of any Act of Bankruptcy committed more than *Six* Months prior to the filing of the Petition of Bankruptcy; and no Adjudication of Bankruptcy shall be deemed invalid by reason of any Act of Bankruptcy prior to the Debt of the Petitioning Creditor.

No Person liable upon Act of Bankruptcy committed more than Six Months before Petition, &c. 6 & 7 W. 4. c. 14. s. 36. 12 & 13 Vict. c. 107. ss. 7, 8.

Procedure in Bankruptcy.

CXII. Proceedings to obtain Adjudication of Bankruptcy shall be by Petition (such Petition, if presented by a Creditor, being in the Form specified in the Schedule (L.) to this Act annexed, or to the like Effect, and the Truth thereof verified by the Affidavit of the Petitioner, in the Form specified in the Schedule (M.) to this Act annexed, or to the like Effect, and if presented by a Trader, being in the Form specified in the Schedule (N.) to this Act annexed, or to the like Effect, and the Truth thereof verified by the Affidavit of such Trader, in the Form specified in the Schedule (M.) to this Act annexed, or to the like Effect); and every such Petition shall be filed and prosecuted as directed by this Act; and from and after the filing of such Petition the Court shall have full Power and Authority to take such Order and Direction with the Body of the Bankrupt as mentioned in this Act, as also with all his Lands, Tenements, and Hereditaments, both within this Realm and abroad, as well Copy or Customaryhold as Freehold, which he shall have in his own Right before he became bankrupt, as also with all such

Proceedings in Bankruptcy to originate by Petition to the Court of Bankruptcy without Commission, &c. 12 & 13 Vict. c. 106. s. 89.

Procedure in Bankruptcy.

Interest in any such Lands, Tenements, and Hereditaments as such Bankrupt may lawfully depart withal, and with all his Money, Fees, Offices, Annuities, Goods, Chattels, Wares, Merchandise, Rights, Credits, Effects, and Debts, wheresoever they may be found or known, and to make or order Sale thereof in manner herein mentioned, or otherwise order the same for Satisfaction and Payment of the Creditors of the Bankrupt.

Amount of Petitioning Creditors Debt.
6 & 7 W. 4. c. 14. s. 32.
12 & 13 Vict. c. 107. s. 9.
12 & 13 Vict. c. 106. s. 91.

CXIII. The Amount of the Debt of Creditors petitioning for Adjudication of Bankruptcy shall be as follows; (that is to say,)

The Debt of a single Creditor shall amount to *Fifty Pounds* or upwards:

The Debt of Two Creditors shall amount to *Seventy Pounds* or upwards:

The Debt of Three or more Creditors shall amount to *One hundred Pounds* or upwards:

Debt may be payable at a future Time although Security given.

Every Person who has given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed an Act of Bankruptcy, may so petition or join in petitioning whether he shall have had any Security in Writing for such Sum or not.

Petition for Adjudication may be made by the public Officer of certain Copartnerships.
12 & 13 Vict. c. 106. s. 92.

CXIV. A Petition of Bankruptcy against any Person by any Copartnership duly authorized to sue in the Name of its public Officer may be filed by such public Officer as the nominal Petitioner on behalf of such Copartnership.

Verification of Petition of Bankruptcy.

CXV. A Petition of Bankruptcy against any Trader by any Body Corporate or incorporated or Joint Stock or public Company may be verified by the Affidavit of its Secretary, Public Officer, or other Agent duly authorized on that Behalf.

Trader may petition against himself.
12 & 13 Vict. c. 106. s. 93.
17 & 18 Vict. c. 119. s. 20.

CXVI. Any such Trader may petition for Adjudication of Bankruptcy against himself.

If Adjudication be not obtained within *Five* Days after Petition, any other Creditor may proceed on it.
12 & 13 Vict. c. 107. s. 25.
12 & 13 Vict. c. 106. s. 96.

CXVII. If the Petitioning Creditor shall not proceed and obtain an Adjudication within *Five* Days after his Petition shall have been filed, or within such extended Time as shall be allowed by the Court, the Court may, at any Time within *Seven* Days then next following, upon the Application of any other Creditor to the Amount required to constitute a Petitioning Creditor, proceed to adjudicate on such Petition, upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Petition (except the Debt of the Petitioning Creditor); but if neither the Petitioner nor any other Creditor shall within such *Seven* Days, or within such extended Time as may

may be granted by the Court for that Purpose, apply to the Court to proceed to Adjudication, such Petition shall be forthwith dismissed.

Procedure in Bankruptcy.

CXVIII. Any Creditor whose Debt is sufficient to entitle him to petition for Adjudication of Bankruptcy against all the Partners of any Firm may petition for such Adjudication against One or more Partners of such Firm, and every such Petition shall be valid although it does not include all the Partners of the Firm; and in every Petition for Adjudication against Two or more Persons the Court may dismiss the same as to One or more of such Persons, and the Validity of such Petition shall not be thereby affected as to any Person as to whom such Petition is not ordered to be dismissed, nor shall any such Person's Certificate be thereby affected.

Petitions may be presented against One or more Partners in a Firm, and Petitions against Two or more Persons may be dismissed as to One or more without affecting the rest.
6 & 7 W. 4. c. 14. s. 33.
12 & 13 Vict. c. 106. s. 97.

CXIX. After a Petition of Bankruptcy filed against or by One or more Member or Members of a Firm, and upon any Petition or Petitions of Bankruptcy against or by any other Member or Members of such Firm, or against the whole Firm, all the Estate, Real and Personal, of such Bankrupt or Bankrupts, shall vest in the Official Assignees and the Creditors Assignee (if any) under the First Petition; and thereafter all separate Proceedings under such subsequent Petition or Petitions shall, without affecting the Validity of the First Petition, be annexed to and form Part of the First Petition.

Proceedings in Cases of a Second or other Petition against One or more Members of a Firm.
6 & 7 W. 4. c 14. s. 34.
12 & 13 Vict. c. 106. s. 98.

CXX. Whenever any Petition of Bankruptcy shall have been filed against any Person, and it shall be proved to the Satisfaction of the Court that there is probable Cause for believing that such Person has quitted or is about to quit Ireland, or has removed or is about to remove or conceal any of his Goods or Chattels, with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for the Court to issue a Warrant directed to a Messenger of the Court and his Assistants, or to such Person or Persons as the Court shall think fit, whereby such Messenger and his Assistants, or other Person or Persons, shall have Authority to arrest and commit to such Prison as the Court shall think fit the Person against whom such Petition shall have been filed, and also to seize his Books, Papers, Monies, Securities for Monies, Goods and Chattels, wheresoever he or they may be found, and him and them safely keep until such Person shall be discharged by the Court: Provided always, that any Person arrested upon any such Warrant, or whose Books, Papers, Monies, Securities for Monies, Goods or Chattels, have been seized under any such Warrant, may apply to the Court for an Order on the Petitioning Creditor to show Cause why the Person arrested should not be discharged out of Custody, or why his Books, Papers, Monies, Securities for Monies, Goods, and Chattels should not be delivered up

In case Trader against whom a Petition has been filed be about to quit Ireland, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested, and his Goods seized.
12 & 13 Vict. c. 107. ss. 4, 5, 6.
12 & 13 Vict. c. 106. s. 99.

Trader so arrested may apply to the Court for his Discharge forthwith.

Procedure in Bankruptcy.

up to him, and it shall be lawful for such Court to make absolute or discharge such Order.

If Bankrupt be keeping out of the Way, or be about to quit Ireland, &c., Court may issue Warrant for his Arrest.
12 & 13 Vict. c. 106. s. 119.

CXXI. If in any Case it shall be proved to the Satisfaction of the Court that any Bankrupt is keeping out of the Way, and cannot be personally served with a Summons, and that due Pains have been taken to effect such personal Service, or that there is probable Cause for believing that he is about to quit Ireland, or to remove or conceal any of his Goods or Chattels, unless he be forthwith apprehended, it shall be lawful for such Court by Warrant to authorize and direct any Person or Persons it shall think fit to arrest such Bankrupt, and bring him before the Court to be examined, in like Manner as if he appeared upon a Summons.

Court may, before Adjudication, summon Witnesses to prove Trading and Act of Bankruptcy.
6 & 7 W. 4. c. 14. s. 37.
12 & 13 Vict. c. 106. s. 100.

CXXII. The Court, before Adjudication, may summon before it any Person whom such Court shall believe capable of giving any Information concerning the Trading of or any Act of Bankruptcy committed by the Person against whom any Petition of Bankruptcy has been filed, and may require any Person so summoned to produce any Books, Papers, Deeds, and Writings and other Documents in his Custody, Possession, or Power, which may appear to the Court to be necessary to establish such Trading or Act of Bankruptcy; and it shall be lawful for the Court to examine any such Person upon Oath, by Word of Mouth or Interrogatories in Writing, concerning such Trading and Act of Bankruptcy.

Court to make Adjudication, &c. upon certain Proofs.
6 & 7 W. 4. c. 14. s. 37.
12 & 13 Vict. c. 106. s. 101.

CXXIII. The Court, under a Petition filed by a Creditor, shall, upon Proof of the Petitioning Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, adjudge such Trader bankrupt, or if, in case of the Failure of the Petitioning Creditor to proceed and obtain Adjudication within *Five* Days after his Petition shall have been filed, or within such extended Time as may be allowed by the Court, another Creditor shall apply for Adjudication upon such Petition, then upon such Application, and Proof of such Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, the Court shall adjudge such Trader bankrupt; and under a Petition filed by a Trader, the Court, upon the Application of such Trader, and upon Proof of the Trading, shall adjudge such Trader bankrupt; and any such Petition not effectually prosecuted to an Adjudication within *Fourteen* clear Days after its Date shall be dismissed, unless the Court shall enlarge the Time for proceeding thereunder.

CXXIV. If

CXXIV. If after Adjudication the Debt of the Petitioning Creditor shall be found by the Court to be insufficient to support such Adjudication, it shall be lawful for the Court, upon the Application of any other Creditor, having proved any Debt sufficient to support an Adjudication, to order the Petition of Bankruptcy to be proceeded in, and it shall by such Order be deemed valid.

In case Petitioning Creditor's Debt be insufficient, Court may proceed upon the Application of any other Creditor whose Debt is sufficient. 6 & 7 W. 4. c. 14. s. 35. 12 & 13 Vict. c. 106. s. 103.

CXXV. Before Notice of any Adjudication of Bankruptcy on any Creditor's Petition shall be given in the "Dublin Gazette," a Duplicate of such Adjudication shall be served on the Person adjuged bankrupt, personally, or by leaving the same at the usual or last known Place of Abode or Place of Business of such Person; and such Person shall be allowed *Four* Days, or such extended Time, not exceeding *Ten* Days in the whole, as the Court shall think fit from the Service of such Duplicate, to show Cause to the Court against the Validity of such Adjudication; and if such Person shall within such Time show to the Satisfaction of the Court that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which such Adjudication has been grounded, or any or either of such Matters, are insufficient to support such Adjudication, and if no other Creditor's Debt, Trading, and Act of Bankruptcy sufficient to support such Adjudication shall be proved to the Satisfaction of the Court, the Court shall thereupon order such Adjudication to be annulled, and the same shall be annulled accordingly; but if at the Expiration of the said Time no Cause shall have been shown to the Satisfaction of the Court for the annulling of such Adjudication, the Court shall forthwith cause Notice of such Adjudication to be given in the "Dublin Gazette;" and the Court shall in every such Notice of Adjudication, and in every Notice of Adjudication on the Petition of any such Trader, appoint Two public Sittings of the Court for the Bankrupt to surrender and conform, the last of which Sittings shall be on a Day not less than *Twenty* Days and not exceeding *Forty* Days from such Advertisement, and shall be the Day limited for such Surrender: Provided always, that the Court shall have Power from Time to Time to enlarge the Time for the Bankrupt surrendering himself for such Time as the Court shall think fit: Provided also, that if any Person so adjudged bankrupt shall, before the Expiration of the Time allowed for showing Cause, surrender himself, and give his Consent to such Adjudication being advertised, the Court shall forthwith cause the Notice of Adjudication to be advertised, and appoint the Sittings for the Bankrupt to surrender and conform.

Bankrupt to have Notice thereof before Advertisement of Adjudication, and to be allowed Seven Days, or such extended Time, not exceeding Fourteen Days, as the Court shall think fit, to show Cause against Adjudication. 12 & 13 Vict. c. 107. s. 45. 12 & 13 Vict. c. 106. s. 104.

Adjudication may, with Bankrupt's Consent, be advertised before the Expiration of the Time allowed for showing Cause.

CXXVI. Immediately after the Insertion of the Notice of Adjudication in the Gazette, or if the Bankrupt, before the Expiration of the

Bankrupt to deliver up his Books of Account, &c. to the Official

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Assignee, upon Oath.
6 & 7 W. 4. c. 14. s. 134.
12 & 13 Vict. c. 106. s. 105.

the Time allowed for showing Cause against the Adjudication, surrender himself, and give Consent to such Insertion, then immediately after such Surrender, the Bankrupt shall (if thereunto required by the Official Assignee) deliver up to the Official Assignee, upon Oath to be made before the Court or any Registrar thereof, or before a Master Ordinary or Extraordinary in Chancery, or Justice of the Peace, all Books of Account, Papers, and Writings relating to his Estate in his Custody or Power, and discover such as are in the Custody or Power of any other Person; and every Bankrupt not in Prison or Custody shall at all Times after such Surrender attend the Assignees, upon every reasonable Notice in Writing for that Purpose given by them to him, or left at his usual or last known Place of Abode, and shall assist such Assignees in making out the Accounts of his Estate; and such Bankrupt, after he shall have surrendered, may, at all seasonable Times before the Expiration of such Time as shall be allowed to him to finish his Examination, inspect his Books, Papers, and Writings in the Presence of his Assignees, or any Person appointed by them, and bring with him each Time any Two Persons to assist him; and every such Bankrupt, after he shall have obtained his Certificate, shall, upon Demand in Writing given to him or left at his usual or last known Place of Abode, attend the Assignees, to settle any Accounts between his Estate and any Debtor to or Creditor thereof, or attend any Court of Record to give Evidence touching the same, or do any Act necessary for getting in or protecting the said Estate, for which Attendance he shall be paid by the Official Assignee out of his Estate such Sum as the Court shall direct.

To attend Assignees.

To be at liberty to inspect Books, &c.

After Allowance of Certificate, to attend Assignees in settling Accounts.

Allowance for Attendance.

If Bankrupt be not in Prison or Custody, to be free from Arrest in coming to surrender, &c., and if in Prison may be brought up by Warrant to be examined or to surrender, &c., and if in Prison for Debt the Court may, except in certain Cases, order his Release, absolutely or conditionally.
6 & 7 W. 4. c. 14. ss. 136. 138.
12 & 13 Vict. c. 107. ss. 51, 52. 83.
12 & 13 Vict. c. 106. s. 112.

CXXVII. If the Bankrupt be not in Prison or in Custody at the Date of the Adjudication, he shall be free from Arrest or Imprisonment by any Creditor in coming to surrender, and after such Surrender during the Time by this Act limited for such Surrender, and for such further Time as shall be allowed him for finishing his Examination, and for such Time after finishing his Examination until his Certificate be allowed, as the Court shall from Time to Time think fit to appoint; and whenever any Bankrupt is in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may, by Warrant directed to the Person in whose Custody he is confined, cause him to be brought before it at any Sitting, either public or private, and if he be desirous to surrender he shall be so brought up, and the Expense thereof shall be paid out of his Estate, and such Person shall be indemnified by the Warrant of the Court for bringing up such Bankrupt; and where any Person who has been adjudged Bankrupt, and has surrendered, and obtained his Protection from Arrest, is in Prison or in Custody for Debt at the Time of his obtaining such Protection, the Court may, except in the Cases next herein-

herein-after mentioned, order his immediate Release, either absolutely or upon such Conditions as it shall think fit: Provided always, that the Court shall not order such Release where it shall appear that he is in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Commission of Bankrupt, or maliciously filing or prosecuting a Petition for Adjudication in Bankruptcy: Provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit the Bankrupt may be in Custody against the Bankrupt, except the Right of detaining him in Custody whilst protected from Imprisonment by Order of the Court.

Procedure in Bankruptcy.

CXXVIII. If any Bankrupt shall be arrested for Debt in coming to surrender, or shall, after his Surrender, and while protected by Order of the Court, be so arrested, he shall, on producing such Protection to the Officer who shall arrest him, and giving such Officer a Copy thereof, be immediately discharged; and if any Officer shall detain any such Bankrupt after he shall have shown such Protection to him, except for so long as shall be necessary for obtaining a Copy of the same, such Officer shall forfeit to such Bankrupt, for his own Use, the Sum of *Five Pounds* for every Day he shall detain such Bankrupt, to be recovered by Action of Debt in any of Her Majesty's Superior Courts of Record in Dublin, in the Name of such Bankrupt, with full Costs of Suit.

If arrested, to be discharged on producing Protection.
6 & 7 W. 4. c. 14. s. 136.
12 & 13 Vict. c. 106. s. 113.

Penalty on Detention.

CXXIX. The Petitioning Creditor shall, at his own Costs, file his Petition, and prosecute the same, until the Choice of Assignees by the Creditors; and the Court shall, at or after the Sitting for such Choice, make Order for the Payment of such Costs out of the Estate of the Bankrupt in course of Priority to be settled by any General Order to be made in pursuance of this Act.

Petitioning Creditor to proceed at his own Costs until Choice of Assignees.
6 & 7 W. 4. c. 14. s. 31.
12 & 13 Vict. c. 106. s. 114.

CXXX. No Petition of Bankruptcy shall be dismissed, nor any Adjudication reversed, by reason only that the Petition or Act of Bankruptcy has been concerted or agreed upon between the Bankrupt, his Solicitor or Agent, or any of them, and any Creditor or other Person.

Petition, &c. not to be invalid by reason only of Concert.
6 & 7 W. 4. c. 14. ss. 23. 156.
12 & 13 Vict. c. 106. s. 115.

Court may proceed notwithstanding Death of Bankrupt.
6 & 7 W. 4. c. 14. s. 39.
12 & 13 Vict. c. 106. s. 116.

CXXXI. If any Bankrupt shall die after Adjudication the Court may proceed in the Bankruptcy as if such Bankrupt were living.

Last Examination.

The Bankrupt to prepare and file a Balance Sheet and Accounts, &c.
6 & 7 W. 4. c. 14. s. 124.
12 & 13 Vict. c. 106. s. 160.

CXXXII. The Bankrupt shall prepare such Balance Sheet and Accounts, and in such Form as the Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same in the Bankrupt Office, and deliver a Copy thereof to the Official Assignee, *Ten* Days at least before the Day appointed for the last Examination, or the Adjournment Day thereof; and such Balance Sheet and Accounts may before such last Examination be amended from Time to Time as Occasion shall require and such Court shall direct; and the Bankrupt shall make Oath of the Truth of such Balance Sheet and Accounts, whenever he shall be duly required by the Court so to do; and the Court may, on the Application of the Assignees or of the Bankrupt, make such Allowance out of the Estate of the Bankrupt for the Preparation of such Balance Sheet and Accounts, and to such Person as the Court shall think fit, in any Case in which it shall be made to appear to the Satisfaction of the Court, from the Nature of the Accounts or other good Cause, that the Bankrupt required Assistance in that Behalf.

Bankrupt apprehended by Warrant, and submitting, to have same Benefit as if he had voluntarily surrendered.
6 & 7 W. 4. c. 14. s. 133.
12 & 13 Vict. c. 106. s. 161.

CXXXIII. If any Bankrupt apprehended by any Warrant of the Court shall, within the Time allowed for him to surrender, submit to be examined, and in all things conform, he shall have the same Benefit as if he had voluntarily surrendered.

Court may adjourn last Examination sine die.
6 & 7 W. 4. c. 14. s. 137.

CXXXIV. It shall be lawful for the Court at the Time appointed for the last Examination of the Bankrupt, or at any Enlargement or Adjournment thereof, to adjourn such Examination sine die.

Protection of Bankrupt from Arrest.
12 & 13 Vict. c. 107. s. 45.
12 & 13 Vict. c. 106. s. 162.

CXXXV. It shall be lawful for the Court, at the Time appointed for the last Examination of the Bankrupt, or any Enlargement or Adjournment thereof, whether the Examination shall be passed or not, to order that the Bankrupt shall be free from Arrest or Imprisonment for such Time (if any) as such Court shall from Time to Time think fit to appoint.

If Bankrupt in Custody, Court may appoint a Person to attend him with Books, Papers, &c.
6 & 7 W. 4. c. 14. s. 138.
12 & 13 Vict. c. 106. s. 163.

CXXXVI. Whenever any Bankrupt is in Custody the Court may appoint a Person to attend him from Time to Time, and produce to him his Books, Papers, and Writings, in order that he may prepare his Balance Sheet, and show the Particulars of his Estate and Effects, previous to his last Examination.

CXXXVII. Forth-

Procedure in Bankruptcy. Certificate of Conformity.

Mode of obtaining Certificate of Conformity. 6 & 7 W. 4. c. 14. s. 141. 12 & 13 Vict. c. 107. s. 56. 12 & 13 Vict. c. 106. s. 198.

CXXXVII. Forthwith after the Bankrupt shall have passed his last Examination, if no Prosecution shall have been directed by the Court, nor any Charge of Fraud have been entered on the Proceedings, nor any Objection to the signing of the Certificate be entered in the Court by any Party, the Certificate of Conformity shall be prepared by the Chief Registrar, and signed by the Court, and Notice of the Allowance of such Certificate shall be advertised in the "Dublin Gazette" in such Manner as may be directed by any General Order; but if any Objection to the granting of the Certificate be made before or at the last Examination, then the Court shall appoint a public Sitting for the Allowance of the Certificate (whereof *Twenty-one* Days Notice shall be given in the "Dublin Gazette,") and at such Sitting or any Adjournment thereof, the Assignees, or any of the Creditors of such Bankrupt may be heard against the Allowance of such Certificate; and the Court, having regard to the Conformity of the Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, and whether the Allowance of such Certificate be opposed by any Creditor or not, shall judge of any Objection against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or suspend the Allowance thereof for any Period not exceeding *Three* Years.

Form of Certificate.

Notice of Allowance. 6 & 7 W. 4. c. 14. s. 141. 12 & 13 Vict. c. 106. s. 199.

CXXXVIII. The Certificate of Conformity shall be in Writing under the Seal of the Court and the Hand of One of the Judges of the Court, and shall certify that the Bankrupt has made a full Discovery of his Estate and Effects, and in all things conformed, and that, so far as the Court can judge, there does not appear any Reason to question the Truth or Fulness of such Discovery, and shall be in the Form contained in Schedule (O.) to this Act annexed, or to the like Effect; and Notice of the Allowance of such Certificate shall be advertised in the "Dublin Gazette" in such Manner as may be directed by any General Order to be made in pursuance of this Act.

Effect of Certificate. 6 & 7 W. 4. c. 14. s. 140. 12 & 13 Vict. c. 107. s. 54. 12 & 13 Vict. c. 106. s. 200.

CXXXIX. The Certificate of Conformity shall, subject to the Provisions herein contained, discharge the Bankrupt from all Debts due by him at the Date of the filing of the Petition of Bankruptcy, and from all Claims and Demands provable under the Bankruptcy: Provided always, that no such Certificate shall release or discharge any Person who was a Partner with such Bankrupt or was jointly bound or had made any joint Contract with such Bankrupt.

Procedure in Bankruptcy. Certificate of Conformity.

Security to induce Creditor to forbear Opposition to Certificate void.
6 & 7 W. 4. c. 14. s. 143.
12 & 13 Vict. c. 107. s. 57.
12 & 13 Vict. c. 106. s. 202.

CXL. Any Contract or Security made or given by any Bankrupt or other Person unto or in trust for any Creditor, for securing the Payment of any Money due by such Bankrupt at his Bankruptcy, as a Consideration or with Intent to persuade such Creditor to forbear opposing, or to consent to the Allowance of the Bankrupt's Certificate, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable.

Bankrupt not liable upon any Promise to pay Debt discharged by Certificate.
6 & 7 W. 4. c. 14. s. 149.
12 & 13 Vict. c. 107. s 60.
12 & 13 Vict. c. 106. s. 204.

CXLI. No Bankrupt after his Certificate shall have been allowed shall be liable to pay or satisfy any Debt, Claim, or Demand from which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand, upon any Contract, Promise, or Agreement made after the filing of the Petition of Bankruptcy; and the Money thereby secured or agreed to be paid shall not be recoverable.

Bankrupt having obtained his Certificate free from Arrest.
6 & 7 W. 4. c. 14. s. 144.
12 & 13 Vict. c. 107. s. 59.
12 & 13 Vict. c. 106. s. 205.

CXLII. Any Bankrupt who shall, after his Certificate shall have been allowed, be arrested or have any Action brought against him for any Debt, Claim, or Demand provable under his Bankruptcy, shall be discharged, and may plead in general that the Cause of Action accrued before he became bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate shall be sufficient Evidence of the Trading, Bankruptcy, Petition for Adjudication, and other Proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt producing his Certificate, to order any Officer who shall have such Bankrupt in Custody by virtue of such Execution to discharge such Bankrupt, without exacting any Fee, and such Officer shall be hereby indemnified for so doing.

Certificate to be Evidence of the Bankruptcy and Proceedings, and Bankrupt in Execution may be discharged.

Composition after Bankruptcy.

If after Adjudication Three Fifths in Number and Value of Creditors accept Composition, the same shall bind the rest.
6 & 7 W. 4. c. 14. s. 151.
12 & 13 Vict. c. 107. s. 86.
12 & 13 Vict. c. 106. s. 230.

CXLIII. Any Bankrupt, at any Time after Adjudication, may call a Meeting of his Creditors (whereof and of the Purport whereof *Ten* Days Notice shall be given in the "Dublin Gazette"); and if the Bankrupt or his Friends shall make an Offer of Composition, and *Three Fifths* in Number and Value of the Creditors assembled at such Meeting, or represented at such Meeting by an Agent authorized in Writing, shall agree to accept the same, another Meeting for the Purpose of deciding upon such Offer shall be appointed to be holden, whereof such Notice shall be given as aforesaid, and Notice of the Meeting and of the Composition to be offered, shall also be delivered to each Creditor, or left at his Place of Business, or last or usual

Composition after Bankruptcy.

usual Place of Abode, or transmitted to him by Post *Ten* Days before such Second Meeting; and if at such Second Meeting *Three Fifths* in Number and Value of the Creditors then present or represented by an Agent authorized in Writing, shall also agree to accept such Offer, the Court may, upon such Acceptance being testified in Writing, and upon Payment of such Sum as the Court shall direct, annul the Adjudication of Bankruptcy; and every Creditor of such Bankrupt shall be bound to accept of such Composition.

Mode of voting in deciding upon such Composition. 6 & 7 W. 4. c. 14. s. 152. 12 & 13 Vict. c. 107. ss. 87–89. 12 & 13 Vict. c. 106. s. 231.

CLXIV. In deciding upon the Offer of Composition, no Creditor whose Debt is below *Twenty* Pounds shall be reckoned in Number, but the Debt due to such Creditor shall be computed in Value; and every Creditor to the Amount of *Fifty* Pounds and upwards, residing out of Ireland, shall be served personally, or in such other Form as the Court shall direct, with a Copy of the Notice of the Meeting to decide upon such Offer as aforesaid, and of the Purpose for which the same is called, so long before such Meeting as that he may have Time to vote thereat; and if any Creditor shall agree to accept any Gratuity or higher Composition for assenting to such Offer, he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Bankrupt shall (if thereto required) make Oath before the Court that there has been no such Transaction between him, or any Person with his Privity, and any of the Creditors, and that he has not used any undue Means or Influence with any of them to attain such Assent.

Bankruptcy of Joint Stock Companies.

If any Joint Stock Company shall commit an Act of Bankruptcy, a Petition of Bankruptcy may be prosecuted as against other Bankrupts, subject to the Provisions herein made. 7 W. 4. & 1 Vict. c. 73. 7 & 8 Vict. c. 110. 8 & 9 Vict. c. 98. s. 1.

CLXV. If any Joint Stock Company within the Meaning of this Act shall commit any Act which by this Act is to be deemed an Act of Bankruptcy on the Part of any such Company, a Petition of Bankruptcy may be filed against such Company, upon the Petition of any Creditor or Creditors of such Company (whether a Member or Members of such Company or not), to such Amount as is requisite to support a Petition of Bankruptcy; and the Judges of the Court may proceed thereon in like Manner as against other Bankrupts, subject always to the Provisions herein-after made.

Bankruptcy of Company not to be the Bankruptcy of any Member individually. 8 & 9 Vict. c. 98. s. 11.

CXLVI. The Bankruptcy of any such Company, in its associated Capacity, shall not be construed to be the Bankruptcy of any Member of such Company in his individual Capacity.

Declaration of Insolvency in pursuance of a Resolution of the

CXLVII. If any such Company shall, by virtue of a Resolution to be duly passed in that Behalf by the Directors of such Company

Bankruptcy of Joint Stock Companies.

Directors, &c., and filed in the Office of the Court to be an Act of Bankruptcy. 8 & 9 Vict. c. 98.

pany, file or cause to be filed in the Court a Declaration in Writing, in the Form specified in the Schedule (C.) No. 2. hereunto annexed, that the said Company is unable to meet its Engagements, such Declaration being under the Common Seal of such Company, and if such Company have no Common Seal, then signed by the Chairman of the Board of Directors who was present at the passing of such Resolution, and in either Case such Declaration being attested by the Attorney or Solicitor of the said Company for the Time being, every such Company shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition of Bankruptcy shall be filed against such Company within *Two* Calendar Months from the filing of such Declaration.

Company not paying, securing, or compounding for a Judgment Debt, within Fourteen Days after Notice, an Act of Bankruptcy. 8 & 9 Vict. c. 98. s. 4.

CXLVIII. If any Plaintiff shall recover Judgment in any Action for the Recovery of any Debt or Money Demand in any of Her Majesty's Courts of Record, against any such Company, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff which may be set off against such Judgment, and such Company shall not, within *Fourteen* Days after Notice in Writing served upon the said Company, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, such Company shall be deemed to have committed an Act of Bankruptcy on the *Fifteenth* Day after Service of such Notice: Provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice, but that it shall be lawful, nevertheless, for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner before directed.

Company disobeying Order of any Court of Equity, &c. for Payment of Money after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy. 8 & 9 Vict. c. 98. s. 5.

CXLIX. If any Decree or Order shall be pronounced in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Company ordering any Sum of Money to be paid by such Company, and such Company shall disobey such Decree or Order, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Company being served with such last-mentioned Order *Fourteen* Days before the Day therein appointed for Payment of

of such Money shall neglect to pay the same, such Company shall be deemed to have committed an Act of Bankruptcy on the Day so appointed for the Payment of such Money.

Bankruptcy of Joint Stock Companies.

CL. If any Creditor of any such Company to such an Amount as is requisite to support a Petition for Adjudication shall file an Affidavit in the Court that such Debt or Debts is or are justly due to him or them respectively from the said Company, and shall cause such Company to be served with a Copy of such Affidavit, and with a Notice in Writing, stating that such Affidavit hath been filed pursuant to this Act, and requiring immediate Payment of such Debt, and if such Company shall not, within *Twenty-one* Days after such Service, pay, secure, or compound for such Debt or Debts to the Satisfaction of such Creditor or Creditors, or enter into a Bond with *Two* such sufficient Securities as shall be approved of by the Court or by any Master Extraordinary of the Court of Chancery to pay such Sum as shall be recovered in any Suit for the Recovery of the said Debt, every such Company shall be deemed to have committed an Act of Bankruptcy on the *Twenty-second* Day of the Service of such Notice and Affidavit.

Creditor filing an Affidavit of Debt in One of the Superior Courts, if the Company do not within 21 Days pay, secure, or compound to the Satisfaction of the Creditor an Act of Bankruptcy.
8 & 9 Vict. c. 98. s. 6.

CLI. It shall be lawful for the Assignees of the Estate and Effects of any such Company to maintain any Suit against any Person (whether a Member of such Company or not), to recover any Debt or Demand on behalf of the said Company against such Person, and for any Person to prove or claim against such Company such Debt or Demand as may be due to him or them (whether a Member of such Company or not) on the Balance of Accounts between him and the said Company.

Assignees of the Estate of a Company may maintain Action to recover a Debt; and any Person may claim any Debt due on the Balance of Accounts.
8 & 9 Vict. c. 98. s. 7.

CLII. No Claim or Demand which any Member of any such Company may have in respect of his Share of the Capital or Joint Stock thereof, or of any Dividends, Interests, Profits, or Bonus payable or apportionable in respect of such Share, shall be capable of being set off against any Demand which the Assignees of such Company may have against such Member on account of any other Matter or Thing whatsoever, but all Proceedings in respect of such Matter or Thing may be carried on as if no Claim or Demand existed in respect of such Capital or Joint Stock, or of any Dividends, Interests, Profits, or Bonus payable or apportionable in respect thereof.

Member's Share not to be set off against a Demand which the Assignees of the Estate and Effects of a Company may have against such Member.
8 & 9 Vict. c. 98. s. 8.

CLIII. No Suit by any Creditor of any such Company shall, so far as concerns or may be necessary for the Recourse of such Creditor against the Person, Property, or Effects of any Member thereof for the Time being, or any former Member thereof, be deemed to

No Suit by a Creditor of a Company against the Person or Property of any individual Member to affect his Right to file Petition of Bankruptcy or

Bankruptcy of Joint Stock Companies.

to prejudice or in any Manner affect the Right of such Creditor or Creditors to file a Petition of Bankruptcy against such Company, or his or their Right to prove or claim, under any Petition against such Company, any Debt or Demand remaining unsatisfied; and no such Petition or Proof, or Proceeding thereunder, shall be deemed to prejudice or in any Manner affect the Right of any Creditor of such Company to institute or maintain any Suit, so far as concerns or may be necessary for the Recourse of such Creditor against the Person, Property, or Effects of any Member thereof for the Time being, or any former Member thereof.

prove against the Company; and a Petition of Bankruptcy, or a Proof or Proceeding thereon, not to affect any Action by a Creditor against the Person or Property of any Individual Member.

8 & 9 Vict. c. 98. s. 9.

No Execution to issue against Member of Company until Debt proved under Petition.

CLIV. No Execution in respect of any Debt or Demand proveable under the Petition against any such Company shall be issued against the Person, Property, or Effects of any Member for the Time being of such Company, or any former Member thereof, until after such Debt or Demand shall have been proved under such Petition.

The Court may order the Directors of a Company adjudged bankrupt, &c. to prepare, verify, and file a Balance Sheet and Accounts.

8 & 9 Vict. c. 98. s. 11.

CLV. The Court may at any Time after the Advertisement of the Bankruptcy of any such Company or Body in the *Dublin Gazette* order that the Persons who were at the Date of such Petition Directors of such Company, or such of them as the Court shall think fit, or if there be no Directors then that such Members of the Company as the Court shall think fit, shall prepare such Balance Sheet and Accounts, and in such Form as the Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same, and deliver a Copy thereof to the Assignee *Ten* Days at least before the last Examination; and such Balance Sheet and Accounts, before such last Examination, may be amended from Time to Time as Occasion shall require and the Court shall direct; and such Persons shall make Oath of the Truth of such Balance Sheet and Accounts whenever they shall be duly required so to do; and the Court may from Time to Time make such Allowance out of the Estate of such Company for the Preparation of such Balance Sheet and Accounts, and to such Person or Persons as the Court shall think fit.

Persons ordered by the Court to prepare the Balance Sheet to be under the like Obligation to surrender at the last Examination, and to submit to be examined, &c. and to incur such Danger or Penalty for not conforming, &c. as is now pro-

CLVI. Every such Person ordered to prepare such Balance Sheet and Accounts shall be under the like Obligation to surrender and to sign and subscribe such Surrender, and to submit to be examined before the Court from Time to Time upon Oath, and to make a full and true Discovery of the Estate and Effects of such Company, and shall incur such Danger or Penalty for not surrendering, or for not signing or subscribing such Surrender, or for not coming before the Court, or for refusing to be sworn and examined, or for not fully answering to the Satisfaction of the Court, or for refusing to sign or subscribe his Examination, or for not delivering up at the last Examination

Bankruptcy of Joint Stock Companies.

Examination all such Part of the Estate of such Company, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power, or for removing, concealing, or embezzling any Part of such Estate to the Value of *Ten Pounds* or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud the Creditors of such Company, as is provided as to a Bankrupt for not conforming to the like Requisitions for the Discovery of and in relation to the Estate and Effects of such Bankrupt.

vided against a Bankrupt. 8 & 9 Vict. c. 98. s. 12.

CLVII. Every such Person so ordered to prepare such Balance Sheet and Accounts shall have such Freedom from Arrest and Imprisonment in coming to surrender, and such Discharge if arrested in coming to surrender, as a Bankrupt may have under a Petition of Bankruptcy against him; and such Person or Persons, if in Prison, may be brought before such Court by Warrant in like Manner as such Bankrupt now may.

Persons ordered to prepare the Balance Sheet to have the same Freedom from Arrest, &c. as a Bankrupt. 8 & 9 Vict. c. 98. s. 13.

CLVIII. Where any Person who, at or before the Date of a Petition of Bankruptcy filed against any such Company, was a Member of such Company, shall be summoned to attend before the Court, every such Person shall have such Costs and Charges (if any) as the Court shall think fit.

As to Costs where a Person summoned under a Petition against a Company was a Member thereof. 8 & 9 Vict. c. 98. s. 15.

CLIX. If any Person who, at or before the Date of the Petition against any such Company, was a Member of such Company, but not being a Person so ordered as aforesaid to prepare such Balance Sheet and Accounts, or if any other Person, shall wilfully conceal any Real or Personal Estate of any such Company, and shall not within *Thirty* Days after the Advertisement of the Adjudication against such Company discover such Estate to the Court, or to the Assignees, every such Person shall forfeit the Sum of *One hundred Pounds*, and Double the Value of the Estate so concealed.

Penalty on Members and on other Persons wilfully concealing the Estate of the Company. Allowance to Persons other than Members of the Company for making Discovery thereof. 8 & 9 Vict. c. 98. s. 16.

CLX. After the Adjudication of Bankruptcy shall have been advertised, it shall be lawful for the Court to order any Treasurer or other Officer, or any Attorney or Solicitor or other Agent of the Company adjudged bankrupt, to pay and deliver over to the Assignees, or to the Bank of Ireland or any of the Branches thereof, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or Bankrupts, or his or their Assignees.

The Court, after Adjudication, may order any Treasurer, &c, or Solicitor or Agent of the Bankrupt, to deliver to the Official Assignee, or to Bank of Ireand, all Monies and Securities in his Custody which he is not entitled to retain. 8 & 9 Vict. c. 98. s. 17.

CLXI. It shall be lawful for the Court to make all such Orders and give all such Directions as shall be necessary for the final winding up

The Court may give Directions for

Bankruptcy of Joint Stock Companies.

winding up the Affairs of the Company. 8 & 9 Vict. c. 98. s. 19.

up and settling the Affairs of such Company, and to compel a just Contribution from all the Members of such Company towards the full Payment of all the Debts and Liabilities of such Company, and of the Costs of winding up and finally settling the Affairs of such Company, and for that Purpose to take all such Accounts and make all such Inquiries as shall be required; and the Court may order Payment to the Assignees of the several and respective Sums of Money which shall be found necessary and proper to be paid in or towards Satisfaction of the Debts which by the Proceedings in Bankruptcy shall have been found to be due to the Creditors of such Company, and all Persons having Claims and Demands thereon, and also in satisfaction of Costs, and may order the Assignees to apply such Sums of Money in satisfaction of such Debts, Claims, and Demands, and Costs.

The Court shall inquire into the Cause of the Failure of Company, and shall transmit a Copy of the Balance Sheet to the Board of Trade, and certify the Cause of the Failure, and any special Circumstances, and annex a Copy of any Examinations deemed material. 8 & 9 Vict. c. 98. s. 22.

CLXII. Previous to passing the last Examination under a Petition against any such Company it shall be the Duty of the Court to inquire into the Cause of the Failure of such Company; and after the passing of such last Examination, or after the Time allowed by the Court for that Purpose shall have elapsed, the Court shall cause a Copy of the Balance Sheet filed in the Court to be transmitted to the Committee of Privy Council for Trade, and the Court shall at the same Time certify in Writing to the said Committee what, in the Opinion of the Court, was the Cause of the Failure of such Company, and state any special Circumstances relating to the Formation or Management of the Affairs of such Company which to the Court shall seem expedient and material, and shall cause to be annexed to such Certificate a Copy of the Examination of any Person or Persons taken under such Petition, and which the Court shall deem material, relating to the Formation or Management of the Affairs of such Company or Body.

When Court shall have certified the Cause of the Failure of any such Company, the Queen, upon the Recommendation of the Board of Trade, may revoke any Privileges granted to the Company. 8 & 9 Vict. c. 98. s. 24.

CLXIII. After the Court shall have certified to the said Committee the Cause of the Failure of any such Company, it shall and may be lawful for Her Majesty, Her Heirs and Successors, upon the Recommendation of the said Committee, by any Instrument in Writing under Her or their Great Seal of Ireland, to signify Her or their Pleasure for revoking and making void, and thereby to revoke and make void, all the Powers, Privileges, and Advantages at any Time by any Charter or Letters Patent or Act of Parliament granted to such Company, and to determine the same, and thereupon the said Powers, Privileges, and Advantages shall accordingly be revoked, and the same Company shall be determined, without any Inquisition, Scire facias, or any Matter or Thing to make void or determine the same, anything in such Charter or Letters Patent or Act of Parliament contained to the contrary notwithstanding.

CLXIV. After

Bankruptcy of Joint Stock Companies.

CLXIV. After the Court shall have certified to the said Committee the Cause of the Failure of any such Company, the said Committee may, whenever it shall think fit, cause all the Papers relating to such Failure, and to the Formation and Management of such Company, and to the Conduct of any of the Directors or other Officers of the said Company therein, or to any or either of such Matters, to be laid before Her Majesty's Attorney General for Ireland, who shall direct whether any and what Proceedings shall be taken thereupon against any Person who was a Director or other Officer of such Company, or any other Person.

The Board may cause the Papers to be laid before the Attorney General, to direct any Proceedingsthereon. 8 & 9 Vict. c. 98. s. 25.

CLXV. Until the Determination of such Company by Her Majesty, Her Heirs or Successors, such Company and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting, and as continuing such Officers as aforesaid, for all the Purposes for which the same was originally constituted, and that, notwithstanding such Determination as aforesaid, the same shall be considered as subsisting and continuing respectively so long and so far as may be necessary for the winding up of the Concerns of such Company.

Until Determination of Company by the Crown, it shall be considered as subsisting, and, notwithstanding such Determination, shall be considered as subsisting so far as necessary for winding up. 8 & 9 Vict. c. 98. s. 26.

CLXVI. Notwithstanding the Determination of any Company, by any other Means than as last aforesaid, such Company and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting and as continuing such Officers as aforesaid, for all the Purposes of this Act, so long and so far as any Matters relating to such Company shall remain unsettled.

Notwithstanding Determination of Company in any other Manner, the same to be considered as subsisting so long as any Matters remain unsettled. 8 & 9 Vict. c. 98. s. 27.

CLXVII. In all Cases in which a Joint Stock Company shall carry on Business in Ireland and elsewhere, if the Head Office of the Company shall be or shall have last been in Ireland, such Company shall be deemed an Irish Company within and subject to the Provisions of this Act.

When Company to be declared an Irish Company.

CLXVIII. Service of any Order, Summons, Notice, or other Document on any Joint Stock Company, under the Provisions of this Act, may be made by delivering the same to the Chief Clerk or Secretary of the Company, or any Director of the Company personally, or by leaving the same at the Head Office of the Company with any Officer or Servant of the Company, or in such other Manner as the Court shall by any Special Order direct.

Service of Order, &c. on Company.

CLXIX. The Court shall in every Case of a Petition for Adjudicature against a Joint Stock Company have and exercise the same

Jurisdiction of Court against Joint Stock Companies.

Procedure in Insolvency.

Powers, Authority, and Jurisdiction in all respects as in the Case of any Petition for Adjudication against a Trader.

Persons imprisoned for Debt may apply to the Court for Discharge.
3 & 4 Vict. c. 107. s. 18.

CLXX. From and after *the Time appointed for the Commencement of this Act*, it shall be lawful for any Debtor who shall be a Prisoner within the Meaning of this Act to apply by Petition to the Court for his Discharge from such Custody according to the Provisions of this Act; and in such Petition shall be stated whether such Prisoner has been previously bankrupt or insolvent, the Time and Place of the First Arrest of such Prisoner, the Cause or Causes wherein he shall then be detained, and the Time of his Commitment to the Prison where he shall then be confined, and also the Name or Names of the Person or Persons at whose Suit such Prisoner shall at the Time of presenting such Petition be detained in Custody, and the Amount of the Debt or Debts, Sum or Sums of Money, and of such Costs as aforesaid, so far as the Amount of such Costs is ascertained, for which he shall be so detained, and such other Matters as the Court may by any General Order direct; and such Prisoner shall in such Petition state that he is willing that all his Real and Personal Estate and Effects shall be vested in the Official Assignees, and shall pray to be discharged from Custody, and to have future Liberty of his Person against the Demands of his Creditors; which Petition shall be subscribed by the said Prisoner, and shall forthwith be filed in the Court.

What shall be stated in the Petition.

Petition to be signed and filed.

Schedule to be filed.
3 & 4 Vict. c. 107. s. 57.

CLXXI. Every such Prisoner shall, within *Seven Days* from the Time of filing such Petition, unless the Court shall extend such Period, deliver unto the Court a Schedule, containing a full and fair Description of such Prisoner, as to his Name, Trade, and Profession, together with his last usual Place of Abode, and the Place or Places where he has resided during the Time when his Debts were contracted, and also a full and true Description of all Debts due or growing due from such Prisoner at the Time of filing such Petition, and of all and every Person and Persons to whom such Prisoner shall be indebted, or who, to his Knowledge or Belief, shall claim to be his Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as shall be admitted from such as shall be disputed, and also a full, true, and perfect Account of all the Estate and Effects of such Prisoner, Real and Personal, in possession, reversion, remainder, or expectancy, and also of all Places of Profit, or Advantage held by such Prisoner, and also of all Pensions or Allowances of the said Prisoner, in possession or reversion, or held by any other Person or Persons for or on behalf of the said Prisoner, or of and from which the said Prisoner derives or may derive any Manner of Benefit or Advantage, and also

Contents of Schedule.

of

Procedure in Insolvency.

of all Rights and Powers of any Nature and Kind whatsoever which such Prisoner, or any other Person or Persons in trust for such Prisoner, or for his Use, Benefit, or Advantage in any Manner whatsoever, shall be possessed of or interested in or entitled unto, or which such Prisoner, or any other Person or Persons in trust for him or for his Benefit, may dispose of, charge, or exercise for the Benefit or Advantage of such Prisoner, together with a full, true, and perfect Account of all the Debts then due or growing due to such Prisoner, or to any Person or Persons in trust for him or for his Benefit or Advantage, either solely, or jointly with any Person or Persons, and the Names and Places of Abode of the several Persons from whom such Debts shall be due or growing due, and of the Witnesses who can prove such Debts; and also a full and true Description and Valuation of the Wearing Apparel, and other Necessaries, not exceeding in Value in the whole *Twenty Pounds*, which such Prisoner is authorized to except, and such other Particulars as the Court may by any General or Special Order direct.

General and Special Balance Sheets to be filed.

CLXXII. Such Prisoner shall with his Schedule file a General Balance Sheet of his Receipts and Expenditure from the Date of the earliest Debt in his Schedule up to the Time of filing his Schedule; such Prisoner shall also deliver to the Court a Special Balance Sheet of so much of the Receipts and Expenditures of such Prisoner as shall be at any Time required by the said Court

Form of Petition, Schedule, and Balance Sheets.

CLXXIII. The said Petition, Schedule, and Balance Sheets may be in the Forms in Schedule (P.) to this Act annexed, or to the like Effect, or in such other Form as the Court may direct, and shall be respectively verified on Oath.

Court may commit Insolvent in neglecting to file his Schedule.

CLXXIV. If any Insolvent shall neglect to file his Schedule within the Time limited by this Act, the Court may commit him to any Prison until he shall file such Schedule.

Detaining Creditors of Prisoners in Execution may apply by Petition to the Court to vest Debtors Estates in the Official Assignee. 3 & 4 Vict. c. 107. s. 19.

CLXXV. If any Prisoner within the Meaning of this Act shall not, within *Twenty-one* Days next after such Prisoner shall be committed to or detained in Custody, make Satisfaction to the Person or Persons at whose Suit such Prisoner shall have been so committed or detained for the Debt, Damages, Costs, Sum or Sums of Money, for which such Prisoner shall be so committed or detained, it shall be lawful for any such Person or Persons to apply by Petition in a summary Way to the Court, praying that all the Real and Personal Estate and Effects of such Prisoner may be vested in the Official Assignees according to the Provisions of this Act.

Procedure in Insolvency.

Form of Creditor's Petition.

CLXXVI. Such Petition shall be signed by the Party or Parties so applying or by his Attorney; and in such Petition shall be stated the Time and Place of the Commitment or Charge in Execution of such Prisoner at the Suit of the Party or Parties so applying, and the Amount of the Debt or Sum of Money for which such Prisoner shall have been so committed or detained; and such Petition shall be supported by such Evidence, by Affidavit or otherwise, of the Truth of the Matters therein stated, as the Court shall require; and the said Court shall and may require such Prisoner to file his Schedule, and shall and may cause such Prisoner to be brought up to be dealt with according to this Act, and all Things to be done thereupon or preparatory thereto as in other Cases according to this Act; and such Creditor's Petition may be in the Form in Schedule (Q.) to this Act annexed, or to the like Effect.

Dismissal of Petition.

CLXXVII. Any Petition of Insolvency may be dismissed by the Court, on such Terms as to Costs, or otherwise, as the Court may think fit.

Power to the Court to direct Prisoner to be discharged on his finding Sureties to attend at the Time and Place of Hearing. 3 & 4 Vict. c. 107. s. 21.

CLXXVIII. At any Time after a Petition of Insolvency has been filed, it shall be lawful for the Court, if the Court shall think fit to do so, and on such Notice to the Creditors of such Insolvent as the Court shall deem proper, to direct such Insolvent to be discharged out of Custody, on his finding *Two* sufficient Sureties to enter into a Recognizance to the Official Assignee of the Court, in such Sum as the Court shall think fit, with a Condition that such Insolvent shall duly appear at the Time and Place fixed or which shall thereafter be fixed for the Hearing of the Petition of such Insolvent, and on every adjourned Hearing, and shall abide by the final Judgment of the Court, and on such other Terms (if any) as the Court shall think fit to impose, and to issue a Warrant directed to the Gaoler or Person in whose Custody such Insolvent shall be ordering the Discharge of such Insolvent.

After such Discharge Insolvent to be free from Arrest until Hearing.

CLXXIX. After such Discharge the Insolvent shall be free from Arrest or Imprisonment by any Creditor whose Debt shall be specified in the Schedule filed by such Insolvent as herein-before mentioned, until the Time appointed for the Hearing of such Insolvent, and for such further Time (if any) as the Court shall from Time to Time appoint.

Insolvent not to be discharged until he delivers up all Property in Schedule.

CLXXX. No such Insolvent shall be so discharged until it shall appear to the Court that all the Chattel Property of such Insolvent has been delivered up to the Assignee, with all Books, Deeds, and Papers in his Possession, Power, or Procurement relating to his Estate or Effects.

CLXXXI. In

Procedure in Insolvency.

In case Insolvent shall not duly appear, Recognizance to be forfeited, &c. 3 & 4 Vict. c. 107. s. 21.

CLXXXI. In case any Insolvent so discharged out of Custody shall not duly appear at the Time and Place fixed for the Hearing or any adjourned Hearing (not being prevented by Illness or other lawful Impediment to be allowed of by the Court), the Recognizance so entered into shall be forfeited, and the Court may make an Order on such Sureties to pay to the Official Assignees the Amount of such Recognizance and Execution may thereon issue forthwith and the Amount so recovered shall be applied for the Benefit of the Creditors of such Insolvent, in like Manner as if the same were Part of his Estate and Effects; and the Court may also issue a Warrant, authorizing any Person or Persons, to be therein named, to apprehend and arrest such Insolvent, and deliver him into the Custody of the Gaoler or Person in whose Custody such Prisoner was at the Time when he was so discharged as aforesaid; and such Gaoler or Person is hereby required to receive such Prisoner again into his Custody, and all Detainers which were in force against him at the Time of such Discharge, or which shall have since been duly lodged against him, shall thereupon be deemed to be in force: Provided also, that any Insolvent so discharged out of Custody as aforesaid shall, on his appearing before the Court, be deemed and considered, for all the Purposes of this Act, in the Custody in which he was at the Time he was so discharged.

Court may empower Persons in the Assize Towns to receive Recognizances. 3 & 4 Vict. c. 107. s. 22. 6 & 7 Vict. c. 47. s. 1.

CLXXXII. The Court may from Time to Time empower so many fit and proper Persons as shall appear necessary in every Assize Town, to take and receive such Recognizances of Sureties and in such Form as the Court may direct and require; and for the taking of every such Recognizance the Persons so empowered shall be entitled to demand and receive the Sum of *Two Shillings and Sixpence.*

Persons residing out of Dublin may enter into Recognizances. 3 & 4 Vict. c. 107. s. 23.

CLXXXIII. It shall be lawful for any Person whose usual Place of Residence shall be elsewhere than in the County of Dublin or the County of the City of Dublin, to appear before a Person duly empowered in manner aforesaid, and there to enter into such Recognizance for the due Appearance of such Insolvent, according to such Forms, and in such Terms and Manner as shall or may be prescribed by any General Order of the Court which said Recognizances so taken as aforesaid shall be transmitted and filed in the Court, with an Affidavit of the due taking of the said Recognizances, by some credible Person present at the taking thereof, and shall be of the like Force and Effect as if the same were taken before the Court.

Court to regulate the Amount of such Recognizances. 3 & 4 Vict. c. 107. s. 24.

CLXXXIV. The Court shall make such General Orders, regulating the Amount, and the taking of such Recognizances as to the Court shall seem meet.

CLXXXV. As

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Warrant to discharge Issue on completion of Recognizance

CLXXXV. As soon as such Sureties shall have justified, and such Recognizance as herein-before mentioned shall have been filed, the Court shall thereupon issue a Warrant for the Discharge of such Insolvent from Custody as herein-before provided.

Notwithstanding Bankruptcy, the Court shall proceed as in other Cases. 3 & 4 Vict. c. 107. s. 28.

CLXXXVI. Although such Prisoner be declared bankrupt or be an uncertificated Bankrupt at the Time of filing the Petition of Insolvency, the Court shall and may cause such Prisoner to be brought up to be dealt with as an Insolvent according to this Act, and all Things to be done thereupon or preparatory thereto as in other Cases according to this Act.

Prisoner not to be discharged for Want of Plaintiff proceeding in his Action. 3 & 4 Vict. c. 107. s. 29.

CLXXXVII. No Prisoner shall after the filing of a Petition of Insolvency be discharged out of Custody as to any Suit, for any Debt, Sum of Money, Damages, or Claim with respect to which an Adjudication can under the Provisions of this Act be made, by or by virtue of any Supersedeas, Judgment of Nonpros., or Judgment as in the Case of a Nonsuit, for Want of the Plaintiff or Plaintiffs in such Action, Suit, Nonsuit, or Process proceeding therein.

Court to appoint Time for Prisoner to be brought up.

CLXXXVIII. The Court shall, forthwith after such Schedule shall have been filed, appoint a Time, not later than Four Months, for such Prisoner to be brought up before the Court to be dealt with according to the Provisions of this Act; and where such Prisoner shall be in any Gaol within the County of Dublin or the County of the City of Dublin, the said Court shall order such Prisoner to be brought before the said Court.

Jurisdiction of the Court over Insolvent Debtors in Custody elsewhere than in County or City of Dublin transferred to the Assistant Barristers. 14 & 15 Vict. c. 57. s. 119.

CLXXXIX If any Prisoner in Custody in any Gaol in Ireland situated elsewhere than within the County of Dublin or the County of the City of Dublin, or any Creditor of such Prisoner shall petition the Court under this Act, or if any such Prisoner or Creditor shall have so petitioned prior to the passing of this Act, and such Petition shall not have been heard, or if the same shall have been heard, and the Consideration thereof shall have been adjourned, the Court may make an Order referring such Petition or Hearing to the Assistant Barrister within whose Jurisdiction such Prisoner was in Custody at the Time of the filing of the Petition, and shall transmit such Petition and Schedule to the Clerk of the Peace for Hearing accordingly, and shall appoint a Time and Place at any Court of Quarter Sessions held within the Jurisdiction of such Assistant Barrister for such Prisoner to be brought up before such Assistant Barrister.

Assistant Barrister to whom the Petition as to

CXC. Any Assistant Barrister to whom any such Petition shall be so referred shall have and possess the same Power and Authority

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Insolvents is referred to have the same Powers as the Court for discharging or remanding the Insolvent, &c

Authority with respect to every such Petition, and shall make all such Orders, give all such Directions, and do all such Matters and Things requisite for the discharging or remanding of such Prisoner, and otherwise respecting such Prisoner, his Schedule, Creditors, and Assignees, as the Court might make, give, or do in the Matters of Petitions heard before such Court under this Act, and, if he shall deem fit, shall be at liberty to adjourn the Hearing from One Session to another, and to extend the Order for the Protection of the said Insolvent from Arrest during such Adjournment.

Petition, &c. to be returned by the Clerk of the Peace to the Court.

CXCI. Every such Petition and Schedule, and all Judgments, Rules, Orders, Directions, and Proceedings thereon by such Assistant Barrister, shall be forthwith, or as soon as conveniently may be after such Hearing or Adjournment thereof, as the Case may be, returned by the Clerk of the Peace to the Court, certified by such Assistant Barrister and Clerk of the Peace respectively, to be a Record of the Court, and to be kept as such among the Records thereof, and the Clerk of the Peace is hereby required to return the same accordingly.

Order for bringing the Insolvent before the Assistant Barrister. 14 & 15 Vict. c. 57. s. 119.

CXCII. The Court shall have Power to issue its Warrant or Order, directed to the Governor, Keeper, or Gaoler of any Gaol wherein the Insolvent shall be in Custody, directing him to bring the Insolvent before such Assistant Barrister on the Day appointed for the Hearing of such Petition, or at any Adjournment thereof; and every such Governor, Keeper, or Gaoler shall obey such Warrant.

The Expense of his Removal to be paid out of the Estate of Insolvent, or (on Failure of such Estate) then by Grand Jury Presentment.

CXCIII. The Expense of conveying such Prisoner to any such Quarter Sessions Town, where the Gaol in which such Prisoner shall be confined shall not be situate in such Quarter Sessions Town, or of conveying such Prisoner (when necessary) from such Quarter Sessions Town to the said Gaol, not exceeding *Threepence* per Mile, shall be paid to the Keeper, Gaoler, or other Officer who shall bring such Prisoner to or from any such Quarter Sessions Town, in obedience to any Rule or Order of the Court, out of the Estate and Effects of such Prisoner, if the same shall be sufficient to pay such Expense, and if not, then such Expense shall be paid by the Treasurer of the County, County of a City, or County of a Town in the Gaol of which such Prisoner shall be imprisoned, as the same shall be directed or ordered by such Assistant Barrister before whom such Prisoner shall be brought, and the Grand Jury of such County, County of a City, or County of a Town is hereby empowered and required to present the Amount thereof at the Assizes next ensuing the Day mentioned in such Rule or Order, to be levied off such County, County of a City, or County of a Town.

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Court to have Jurisdiction before and pending an Adjournment.

CXCIV. Nothing herein contained shall extend or be construed to deprive the Court of the Power of discharging such Prisoner upon Recognizance of Sureties for the due Appearance of such Prisoner at the Time and Place appointed, or which shall thereafter be appointed, for the Hearing of such Prisoner before such Assistant Barrister as aforesaid, or of the Power of doing, prior to such Hearing before such Assistant Barrister, or pending the Adjournment of such Hearing, any Matter or Thing relative to such Prisoner, his Petition and Schedule, Estate and Effects, Creditors or Assignees.

CXCV. After the Discharge or Remand of such Prisoner by such Assistant Barrister as aforesaid the Jurisdiction of such Assistant Barrister shall cease, save as to any Re-hearing of such Petition pursuant to any Order that may be made by the Court; and all Things necessary to be thereafter done in the Matter of the Petition and Schedule of such Prisoner, his Estate and Effects, Creditors or Assignees, shall be done by the Court,

Clerk of Peace to transmit Returns of Quarter Session Days.

CXCVI. Every Clerk of the Peace shall transmit to the Office of the Court in Dublin, a Return of the several Days for holding the Quarter Sessions in and for each County, forthwith upon the Appointment of the same by the Assistant Barrister of each County.

Order of Detaining Creditor for Discharge of Insolvent to be void at Option of Insolvent. 4 & 5 Vict. c. 47. s. 3.

CXCVII. After the filing of the Petition of Insolvency, and previous to the final Adjudication, any Order of Discharge given by a detaining Creditor of any Insolvent shall be void, if such Insolvent shall, on the same being notified to him, forthwith signify to the Gaoler in that Behalf his Desire that such Order of Discharge shall be so void.

Notice to be given to Creditors, and advertised.

CXCVIII. The Court shall cause Notice of the filing of every such Petition and Schedule, and of the Time and Place appointed for such Prisoner to be brought up, to be given, by such Means as the said Court shall direct, to the Creditor or Creditors at whose Suit any such Prisoner shall be detained in Custody, and to the other Creditors named in the Schedule of such Prisoner, and resident within the United Kingdom, and whose Debt shall amount to the Sum of *Five Pounds*, and shall cause such Notice to be inserted in the "Dublin Gazette," and also, if the Court shall think fit, in the "Edinburgh" and "London Gazettes," or either of them, and also in such other Newspaper or Newspapers as the Court shall direct.

At the Hearing, the Schedule to be examined.

CXCIX. Upon such Prisoner being brought up as aforesaid, the Court shall examine into his Schedule, upon the Oath of such Prisoner

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soner and of such Parties and other Witnesses as the Court shall think fit; and in case such Notice as the Court shall direct shall have been given by any Creditor of his Intention to oppose such Prisoner's Discharge, it shall be lawful both for the said Creditor and any other of the Creditors of such Prisoner to oppose such Prisoner's Discharge, and for that Purpose to examine such Prisoner and such Witnesses as the Court shall think fit touching the Matters contained in such Schedule, and such other Matters as the said Court shall deem fit and proper to inquire into.

Hearing may be adjourned.

CC. If the Court shall entertain any Doubt touching any Matter alleged against such Prisoner at such Hearing, to prevent his or her Discharge, or otherwise touching the Schedule or the Examination of such Prisoner, or in case such Prisoner shall refuse to be sworn, or shall not answer upon Oath to the Satisfaction of the Court, it shall be lawful for the Court to adjourn the Hearing and Examination of such Prisoner to some future Sitting of the Court, or to adjourn the same sine Die.

Court may order Prisoner to be again brought up.

CCI. When any such Hearing shall have been adjourned sine Die the Court may, upon the Application of such Prisoner or any Creditor, to be made within such Time as the Court shall direct, order the said Prisoner to be again brought up for Hearing and such Notice thereof shall be given as the Court shall direct.

Affidavits may be received in opposition to Prisoner's Discharge, in certain Cases. 3 & 4 Vict. c. 107. s. 63.

CCII. The Court may receive as Evidence on the Hearing Affidavits of any Persons not resident within the County of Dublin or County of the City of Dublin, and also, permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing until such Interrogatories shall be fully answered; and where any Prisoner shall be brought before any Assistant Barrister, pursuant to this Act, it shall be lawful for such Assistant Barrister to receive as Evidence on the Hearing the Affidavits of any Persons not resident within the County where such Prisoner shall be brought up, and also, to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing of such Prisoner until such Interrogatories shall be fully answered.

Official Assignees to examine Schedule, Balance Sheets, and Accounts.

CCIII. The Official Assignees shall when directed by the Court investigate the Accounts of every Insolvent, and examine into the Truth of his Schedule and Balance Sheets, and report thereon to the Court.

Court may adjudge Prisoner to be discharged, and

CCIV. It shall be lawful for the Court, at such Hearing or adjourned Hearing, to adjudge and order that such Prisoner shall be

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entitled to the Benefit of Act. 3 & 4 Vict. c. 107. s. 65.

be discharged from Custody, and entitled to the Benefit of this Act, (at such Time as to the Court, in pursuance of the Provisions herein-after contained in that Behalf, shall think fit,) as to the several Debts and Sums of Money due or claimed to be due at the Time of filing the Petition from such Prisoner to the several Persons named in his Schedule as Creditors, or claiming to be Creditors for the same respectively, or for which such Persons shall have given Credit to such Prisoner before the Time of filing the Petition, and which were not then payable, and as to the future Claims of any Surety or Bail for such Prisoner named in his or her Schedule as a contingent Creditor, and as to the Claims of all other Persons, not known to such Prisoner at the Time of such Adjudication, who may be Indorsees or Holders of any negotiable Security set forth in his Schedule.

Court may adjudge Discharge, &c. to be forthwith, or not later than Six Months from the filing of the Petition. 3 & 4 Vict. c. 107. s. 66.

CCV. Where no Cause shall appear to the contrary, it shall be lawful for the Court to adjudge that such Prisoner shall be so discharged and so entitled as aforesaid forthwith, or so soon as such Prisoner shall have been in Custody at the Suit of One or more of his Creditors for such Period or Periods not exceeding *Six* Months in the whole, as the Court shall direct.

Discharge may extend to Process for Contempt in Nonpayment of Money;

CCVI. The Discharge of any Prisoner shall extend to all Process for any Contempt of any Court, for Nonpayment of Money or of Costs or Expenses, and also to all Costs which such Prisoner would be liable to pay in consequence or by reason of such Contempt or on purging the same; and every such Discharge as to any Debt or Damages shall extend also to all Costs incurred by the Creditor before the filing of such Prisoner's Schedule, in any Suit brought by such Creditor against such Prisoner for the Recovery of the same; and as to such Costs the Creditor shall be entitled to the Benefit of all the Provisions made for Creditors by this Act.

and to Costs incurred by Creditor. 3 & 4 Vict. c. 107. s. 69.

Discharge may extend to Sums payable by way of Annuity, &c. 3 & 4 Vict. c. 107. s. 70.

CCVII. The Discharge of any such Prisoner shall extend to any Sum or Sums of Money payable by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Security.

Not to prevent Mortgages and other Charges on Lands, made prior to filing Petition from taking effect. 3 & 4 Vict. c. 107. s. 71.

CCVIII. Nothing in this Act contained shall prevent any Mortgage, Charge, or Lien upon any Estate of such Prisoner or any Part thereof, made prior to the Commencement of the Imprisonment of such Prisoner, from taking place upon the Lands, Tenements or Hereditaments, or Personal Estate and Effects comprised in or charged or affected by such Mortgage, Charge, or Lien respectively.

CCIX. Whenever

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CCIX. Whenever any Creditor opposing any such Prisoner's Discharge shall prove to the Satisfaction of the Court that such Prisoner has done any Act for which he may be liable to Remand, the Court may adjudge the taxed Costs of such Opposition to be paid to such opposing Creditor out of the Estate and Effects of such Prisoner, before any Dividend; and in case it shall appear to the said Court that the Opposition of any Creditor to any such Prisoner's Discharge was frivolous and vexatious, it shall be lawful for the Court to award such Costs to such Prisoner as shall appear to be just and reasonable, be paid by the Creditor making such Opposition.

Court may order Costs to be paid to opposing Creditors out of the Estate. 3 & 4 Vict. c. 107. s. 73.

Where Opposition frivolous, Costs may be awarded to Prisoner.

CCX. Where any such Adjudication shall have been made, the Court shall also issue a Warrant to the Gaoler accordingly, ordering the Discharge of such Prisoner from Custody as to the Detainers under which he shall then be confined, or which shall be lodged against him before he shall be out of Custody, the same being for Debts in respect of which such Adjudication shall have been made; and that every such Adjudication shall take effect as from the Day on which it was made; and that every such Adjudication, and Certificate thereof, and Order thereupon, may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors: Provided nevertheless, that in all Cases the Detainer or Detainers with respect to which any such Prisoner shall have been adjudged to be discharged out of Custody shall be specified in the Warrant of the Court.

Court to make Order, pursuant to Adjudication, and issue Warrants to Gaoler. 3 & 4 Vict. c. 107. s. 74.

Specification of Debts, &c. not necessary in Order of Adjudication.

CCXI. In case it shall appear to the Court that any Insolvent has fraudulently, with Intent to conceal the State of his Affairs or to defeat the Objects of this Act, destroyed or mutilated, or wilfully prevented or purposely withheld the Production of any Books, Papers, or Writings relating to his Affairs, or kept or caused to be kept false Books or made false Entries in or withheld Entries from, or wilfully altered or falsified any such Books, Papers, or Writings, or that any Insolvent has fraudulently, with Intent of diminishing the Sum to be divided among his Creditors, or of giving any undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from any such Insolvent, or parted or made away with, charged, mortgaged, or concealed any Part of his Property, either before or after the Commencement of his or her Imprisonment, then it shall be lawful for the Court to adjudge that the Insolvent shall be discharged, and entitled to the Benefit of this Act as soon as he shall have been in Custody at the Suit of some One or more of his Creditors for such Period or Periods not exceeding *Two* Years from the Time of filing the Petition as the Court shall direct.

In certain Cases, Discharge of Insolvent to be at any Period not later than Two Years from the Time of filing the Petition. 3 & 4 Vict. c. 107. s. 68.

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In other Cases, the Discharge of Insolvent to be at any Period not later than Two Years. 3 & 4 Vict. c. 107. s. 68.

CCXII. In case it shall appear to the Court that any Insolvent shall have contracted any of his Debts fraudulently, or by means of a Breach of Trust, or of false Pretences, or without having had any reasonable or probable Expectation at the Time when contracted of paying the same, or shall have fraudulently or by means of false Pretences obtained the Forbearance of any of his Debts, or shall have put any of his Creditors to any unnecessary Expense by any vexatious or frivolous Defence or Delay to any Suit for recovering any Debt or Sum of Money due from such Prisoner, or shall be indebted for Damages recovered in any Action for Criminal Conversation, or for seduction, or for Breach of Promise of Marriage, or for a malicious Prosecution, or for a Libel, or for Slander, or in any other Action for a malicious Injury, or in any Action of Tort or Trespass, where it shall appear to the Satisfaction of the Court that the Injury complained of was malicious, then it shall be lawful for the Court to adjudge that the Insolvent shall be discharged forthwith, except as to such Debt or Debts, Sum or Sums of Money, or Damages as above mentioned, and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that the Insolvent shall be so discharged so soon as he shall have been in Custody at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively for a Period or Periods not exceeding *Two* Years from the Time of filing the Petition.

Adjudication may be conditional, in certain Cases. 3 & 4 Vict. c. 107. s. 75.

CCXIII. Where it shall appear to the Court that certain Matters ought to be performed by or on behalf of such Prisoner before he is entitled to be actually discharged from Custody, but that nevertheless it is expedient not to adjourn the Hearing absolutely, it shall be lawful for the Court to pronounce an Adjudication, without issuing any Order and Warrant pursuant thereto, and that such Adjudication may be directed to be conditional on the Performance of such Matters as aforesaid, and that on the Nonperformance thereof the Hearing of such Case shall stand adjourned according to the Direction made in that Behalf.

Where Adjudication a Discharge at a future Period, the Prisoner may be detained or arrested, &c. till that Period arrives. 3 & 4 Vict. c. 107. s. 76.

CCXIV. Where the Court shall adjudge that any Prisoner shall be so discharged at some future Period, and shall make an Order of Remand to that Effect, such Prisoner shall be subject and liable to be detained in Prison under and by virtue of such Order, at the Suit of any One or more of his or her Creditors, with respect to whom it shall have been so adjudged and ordered, until such Period shall have arrived; and the Gaoler of the Prison to which such Prisoner shall be so remanded shall and is hereby required to detain and keep such Prisoner in his Custody until such Period shall have arrived, for doing which the Order of Remand shall

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shall be his sufficient Warrant: Provided always, that it shall be lawful for any such Creditor, at any Time before such Period shall have arrived, to authorize and empower such Gaoler to discharge such Prisoner from Custody at the Suit of such Creditor, in the same Manner and by the same Means as such Creditor might have done if such Prisoner had been arrested and detained or charged in Custody at the Suit of such Creditor under any Civil Process at his Suit.

Court may order detaining Creditor to pay Prisoner a Sum not exceeding Four Shillings a Week. 3 & 4 Vict. c. 107. s. 78.

CCXV. Where any such Prisoner shall, upon any such Adjudication, be liable to further Imprisonment at the Suit of his Creditors or any of them, it shall be lawful at any Time for the Court, on the Application of such Prisoner, to order the Creditor at whose Suit he shall be so imprisoned to pay such Prisoner such Sum or Sums of Money, not exceeding the Rate of *Four Shillings* by the Week in the whole, in such Manner as the said Court shall direct; and that on Failure of Payment thereof the Court shall order such Prisoner to be forthwith discharged from Custody at the Suit of such Creditor.

If Insolvent becomes able to pay his Debts, Court may make Order on him to pay, &c.

CCXVI. If at any Time it shall appear to the Satisfaction of the Court that such Insolvent is of Ability to pay the Debts from which he has been so discharged or any Part thereof, it shall be lawful for the Court from Time to Time, on the Application of any Assignee or Creditor, to order that the Insolvent shall pay to the Assignees such Sum or Sums of Money as to the Court shall seem proper, until the whole of said Debts shall be satisfied.

If Insolvent dies having sufficient Assets, Court may make Order to pay.

CCXVII. If such Insolvent shall have died leaving Assets sufficient to pay the Debts from which he was so discharged, or any Part thereof, it shall be lawful for the Court, on the Application of any Assignee or Creditor, to order that such Sum of Money, not exceeding an Amount sufficient to satisfy the said Debts, shall be paid to the Assignees out of the Assets of such Insolvent, and the Sum mentioned in such Order shall thereupon become a Debt due to the Assignees out of the Assets of such Insolvent, and shall be paid to them accordingly; and the Assignees may institute such Proceedings to enforce the same as if they had been Creditors of said Insolvent at the Time of his Decease for the Sum mentioned in such Order.

Manner of proceeding where, after the Discharge of a Prisoner, any Person shall be possessed of Stock

CCXVIII. In case any Person shall after the Discharge of such Insolvent be possessed of or have under his Control any Stock in the Public Funds, or any Legacy due or growing due, Bills of Exchange, Promissory Notes, Bank Notes, Securities for Money,

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in Public Funds, &c. belonging to him. 3 & 4 Vict. c. 107. s. 80.

Goods and Chattels, or any other Property whatsoever belonging to such Insolvent, or held in trust for him or for his Use and Benefit, or to which such Insolvent shall be in any way entitled, or in case any such Person shall be at such Period in any Manner indebted to such Insolvent, it shall be lawful for the Court, upon the Application of any Assignee or Creditor of such Insolvent to cause Notice to be given to such Person directing him to hold and retain the said Property till the Court shall make further Order concerning the same; and thereupon it shall be lawful for the Court further to order such Person to deliver over such Property, and to pay such Debts as aforesaid, or any Part thereof, into the Bank of Ireland, or to the Assignees, and such Delivery and Payment shall be made accordingly in obedience to such Order; and such Person shall be thereby discharged in respect of such Property and Debts against all Persons whatsoever, to all Intents and Purposes.

Sums recovered under last Three Sections to form Part of Estate.

CCXIX. Any Sum or Sums of Money or Property to be recovered by the Assignees under the last Three preceding Sections shall form Part of the Estate and Effects of the Insolvent in the Hands of the Assignees, and shall be distributed amongst the Creditors accordingly.

Persons discharged under this Act not liable to Imprisonment for Debts, &c. to which Adjudication extends. 3 & 4 Vict. c. 107. s. 81.

If arrested, to be released by Judge of the Court from which Process issued;

who may order the Costs to be paid to him.

CCXX. No Insolvent shall be imprisoned for any Debt or Sum of Money or Costs with respect to which such Insolvent shall have been discharged, or by reason of any Judgment, Decree, or Order for Payment of the same, but that upon every Arrest or Detainer for or by reason of any such Debt or Sum of Money or Costs, or Judgment, Decree, or Order for Payment of the same, it shall be lawful for any Judge of the Court from which any Writ or Process shall have issued in respect thereof, upon Proof made to his Satisfaction that the Cause of such Arrest or Detainer is such as herein-before mentioned, to release such Prisoner from Custody; and at the same Time, if such Judge shall in his Discretion think fit, it shall be lawful for him to order such Plaintiff, or any Person or Persons suing out of such Writ or Process, to pay such Insolvent the Costs which he shall have incurred on such Occasion, or so much thereof as to such Judge shall seem just and reasonable.

AfterDischarge, no Execution to issue against Insolvent for Debts, &c. to which Adjudication extends. 3 & 4 Vict. c. 107. s. 82.

Discharge under this Act may be pleaded generally.

CCXXI. No Writ of Capias ad satisfaciendum, Fieri facias, or other Writ of Execution against the Body, Goods, or Chattels of such Insolvent, shall issue on any Judgment obtained against such Insolvent for any Debt or Sum of Money with respect to which such Insolvent shall have been discharged, nor in any Action upon any new Contract or Security for Payment thereof; and if any Suit shall be brought against any such Insolvent, his Heirs, Executors, or Administrators, for any such Debt or Sum of Money, or upon any new Contract

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Contract or Security for Payment thereof, or upon any Judgment obtained against or any Statute or Recognizance acknowledged by such Insolvent for the same, it shall be lawful for such Insolvent, his Heirs, Executors, or Administrators, to plead generally that such Insolvent was duly discharged according to this Act, by the Order of Adjudication made in that Behalf, and that such Order remains in force, without pleading any other Matter specially; whereto the Plaintiff or Plaintiffs shall or may reply generally, and deny the Matters pleaded as aforesaid, or reply any other Matter or Thing which may show the Defendant not to be entitled to the Benefit of this Act, or that such Person was not duly discharged, in the same Manner as the Plaintiff or Plaintiffs might have replied in case the Defendant or Defendants had pleaded this Act, and a Discharge by virtue thereof, specially.

When Debts are satisfied, Court may order Property in Possession of Assignees to be vested in the Insolvent. 3 & 4 Vict c. 197 s. 83.

CCXXII. Whenever it shall appear to the Satisfaction of the Court that all the Debts in respect of which such Adjudication was made have been discharged, and that there remains in the Possession or vested in or otherwise subject to the Control of the Assignees any Part of the Estate or Effects of such Insolvent, it shall be lawful for the Court to order that the same shall be vested in the said Insolvent, his Heirs, Executors, Administrators, or Assigns, and such Order shall have the Effect of vesting the same accordingly.

Where Error in Schedule, without Fraud, this Act to operate upon the actual Amount of Debt. 3 & 4 Vict. c. 107. s. 84.

CCXXIII. And whereas it may sometimes happen that a Debt of or Claim upon or Balance due from such Insolvent as aforesaid may be specified in his Schedule at an Amount which is not the actual Amount thereof, or the Name or Description of a Creditor may be inaccurately set forth therein, or there may be some Omission, Misdescription, or Mistake therein, without any culpable Negligence or Fraud or evil Intention on the Part of such Insolvent: Be it enacted, That in such Case the said Insolvent shall be entitled to all and every Benefit and Protection of this Act, notwithstanding such Mistake, Omission, or Misdescription in said Schedule; and the Creditor in that Behalf shall be entitled to the Benefit of all the Provisions made for Creditors by this Act in respect of the actual Amount of such Debt, Claim, or Balance, and to all Intents and Purposes, such Omission, Misdescription, or Error in the said Schedule notwithstanding.

Adjudication and Order to be final, unless obtained on false Evidence, &c., in which Case Court may order a Re-hearing. 3 & 4 Vict. c. 107. s. 85.

CCXXIV. Every such Adjudication shall be final and conclusive, and shall not be reviewed by the Court, unless the Court shall thereafter see sufficient Cause to believe that such Adjudication has been obtained on false Evidence, or otherwise improperly or fraudulently obtained, in which Case it shall be lawful for the Court, upon the Application of the Assignees, or of any Creditor of such

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Insolvent, or of the Insolvent, to order such Insolvent, upon due Notice to be given to such Persons and in such Manner as the Court shall direct, to attend or to be brought up, and the said Matter to be re-heard before the Court, and the Court shall thereupon rehear the same, and may, if just Cause shall appear, annul the original Adjudication and Order thereupon, and shall have the same Powers and Authorities upon such Re-hearing as upon any original Hearing; and the Court may, if necessary, remand the said Insolvent to the same Custody in which he was at the Time of the former Hearing, there to be subject to Imprisonment as if the former Adjudication had not been made; and thereupon all Detainers which were in force against such Prisoner at the Time of his former Discharge from Custody shall be deemed to be still in force against him; and the Gaoler of the Prison to which such Prisoner shall be so remanded shall and is hereby required to receive such Prisoner into his Custody, in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant.

Insolvent refusing to appear may be apprehended, &c.

CCXXV. If such Prisoner shall refuse or neglect to appear before the Court, according to any Order for Re-hearing, it shall be lawful for the Court to order such Prisoner to be apprehended, and committed to Custody in such Prison as the Court shall direct, and to issue its Warrant accordingly, and to cause such Prisoner to be brought up for Examination as often as to the Court shall seem fit.

In Adjudication of Discharge or Re-hearing, the Time since former Hearing not to be calculated.

CCXXVI. If on any Re-hearing it shall appear to the Court that such Prisoner is not entitled to the Benefit of this Act until some future Period, according to the Provisions herein-before contained, the Court shall and may, if it shall appear reasonable, adjudge the Discharge of such Prisoner at such future Period, to be calculated without including the Time during which such Prisoner shall have been out of Custody since the Time appointed for his Discharge by such former Adjudication as aforesaid.

If Order for Discharge issued by Mistake, the Court may revoke or amend same. 3 & 4 Vict. c. 107. s. 86.

CCXXVII. If in any Case an Order or Warrant for the Discharge of any such Prisoner shall have issued erroneously, it shall be lawful for the Court, on such Error being shown, to revoke such Order and Warrant, and to annul, suspend, or amend the same, and, if necessary, to recommit such Prisoner to his former Custody, when by such Order or Warrant he shall have been discharged therefrom; and the Gaoler of the Prison to whose Custody such Prisoner shall be so recommitted is hereby required to receive such Prisoner into his Custody according to such Commitment; and all Detainers which were in force against such Prisoner at the Time of such Discharge as aforesaid shall be deemed to be still in

in force against him, as if such erroneous Order or Warrant had not issued.

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Prisoner may, after Discharge, be examined as to Estate and Effects, on Application of Assignee. 3 & 4 Vict. c. 107. s. 86.

Prisoner refusing to appear or to answer Questions may be committed.

CCXXVIII. It shall be lawful for the Assignee from Time to Time to apply to the Court that such Insolvent may be further examined as to any Matters or Things relating to his Estate, and the Court may, if it shall see fit, make Order accordingly; and in case such Person shall neglect or refuse to appear before the Court at such Time and Place as shall be directed by such Order, or appearing shall refuse to be sworn or to answer such Questions as shall be put to him relating to the Discovery of his said Estate, then and in any of such Cases it shall be lawful for the Court to commit such Person to such Prison as the Court shall direct, there to remain without Bail or Mainprise until such Time as he shall submit himself to the Order of the Court in that Behalf, and shall answer, upon Oath or otherwise, as shall be required to all such lawful Questions as shall be put to him for the Purposes aforesaid.

Provisions of Act extended to married Women. 3 & 4 Vict. c. 107. s. 90.

CCXXIX. The Provisions of this Act shall extend to married Women being Prisoners within the Meaning of this Act, but the vesting of the Estate and Effects of any such married Woman in the Official Assignees shall operate upon all Property, Real and Personal, to which she may be entitled for her separate Use, or over which she shall have any Power of Disposition, notwithstanding her Coverture, or which shall be vested in any Trustees or Trustee or other Person or Persons for her Benefit, and upon all Personal Estate and Effects of which she shall have the actual Possession, except her Wearing Apparel, Bedding, and other such Necessaries not exceeding in the whole the Value of *Twenty Pounds*, and upon all other Real and Personal Estate and Effects to which she shall be entitled in any Manner whatsoever, in possession, remainder, or reversion, subject only to such Right, Title, or Interest as her Husband may have therein, and without prejudicing any Rights of her Husband in such Real and Personal Estate and Effects respectively, and all Provisions in this Act contained touching the Real and Personal Estate of any Prisoner shall apply to such Real or Personal Estate and Effects respectively, as if such Woman had been sole and unmarried, subject only to the Rights of her Husband therein.

Mode of proceeding with Prisoners of unsound Mind. 3 & 4 Vict. c. 107 s. 91.

CCXXX. If any Prisoner within the Meaning of this Act shall be or become of unsound Mind, the Gaoler of such Prison shall forthwith require One or more Justice or Justices of the Peace for the County, Division, or Place wherein such Prisoner shall be, to attend at the said Prison, and inquire into the State of Mind of such

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such Prisoner; and thereupon, and also in case any such Justice or Justices shall receive Information by other Means that any such Prisoner is of unsound Mind as aforesaid, such Justice or Justices shall go to the said Prison, and by his or their own View, and by Examination on Oath of such Person or Persons as he or they shall think fit to examine, shall inquire into the State of Mind of such Prisoner; and if it shall appear to such Justice or Justices upon such Inquiry that such Prisoner is of unsound Mind, and therefore incapable of taking the Benefit of this Act in such Manner as a Person of sound Mind might do, such Justice or Justices shall forthwith make a Record of the Fact, and certify the same to the Court; and thereupon it shall be lawful for the Court to order Notice to be inserted in the "Dublin Gazette," and in Two or more public Newspapers usually circulated in the Neighbourhood of such Prison, and in the Neighbourhood of the usual Residence of such Prisoner before he was committed to such Prison, as the Court shall see fit, that Application will be made to the Court for the Discharge of such Prisoner on a Day to be specified in such Order and Notice, being *Twenty-one* Days at least from the Day of Publication of such One of the said Gazette and Newspapers containing such Notice as shall be last published, which Notice, together with the Service of the like Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his or their Attorney or Attornies in such Suit, shall be deemed sufficient to authorize the Court to proceed to the Discharge of such Prisoner, if otherwise entitled to such Discharge, according to the true Intent and Meaning of this Act, and the Court shall proceed accordingly, and shall discharge such Prisoner from Custody, and do all other Acts under this Act, in case it shall appear that such Prisoner might have obtained his or her Discharge under this Act if he or she had been of sound Mind, and thereupon all and every Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which, if such Prisoner was of sound Mind, could or ought to be vested in the said Official Assignee pursuant to the Provisions of this Act, shall, by force and virtue of the Order of the Court for the Discharge of such Prisoner, be vested in the Provisional Assignees as fully and effectually, and in the same Manner, and with all and every the same Consequences and Effects, both in Fact and Law, to all Intents and Purposes whatsoever, as if such Prisoner had been of sound Mind.

Application may be made by Persons on behalf of such Prisoners.

Court may discharge such Prisoners.

No Person to receive Gaol Allowance without subscribing Declaration. 5 & 6 Vict. c. 95. s. 7.

CCXXXI. 'And whereas great Expense has resulted from Persons in the Four Courts Marshalsea receiving the Pauper Allowance 'there without any Effort to obtain their Discharge;' Be it therefore enacted, That no Person in future shall be entitled to receive the Gaol Allowance without making and subscribing to the following Declaration,

Declaration, which the Marshal of the Four Courts or his Deputy is hereby authorized to administer: *Procedure in Insolvency.*

'I A. B. do solemnly declare, That I A. B., a Prisoner in the Four 'Courts Marshalsea, have no Means whatever, directly or indi- 'rectly, of supporting myself, and that I have solely and entirely to 'rely on the Support allowed by Government for Pauper Prisoners 'confined in the said Four Courts Marshalsea.'

And any Person making the aforesaid Declaration, knowing the same to be false in any Particular, shall, on Conviction thereof, incur and suffer such and the same Penalties as are inflicted on Persons convicted of wilful and corrupt Perjury.

CCXXXII. When such Declaration shall have been subscribed, the Marshal or his Deputy shall forthwith transmit the said Declaration, with a List of the Detainers against such Person who shall have subscribed such Declaration, to the Chief Clerk or other Officer of the Court appointed to receive the same, who shall file the same, and forthwith give Notice in the Dublin Gazette and to the detaining Creditors of the said Person, in such Manner as the Court shall by General or Special Order direct, that if they the said detaining Creditors, or some One of them, shall not, within *Twenty-one* Days after the Publication of the said Notice in said Gazette, file or cause to be filed in the said last-mentioned Court, a Petition of Insolvency against the said Person, the Person in respect of whom such Notice shall have been given shall be entitled to his Discharge from Custody. Notice of Declaration to be given in the Dublin Gazette. 5 & 6 Vict. c. 95. s. 8.

CCXXXIII. If such Petition shall be filed by any such Creditor, the Court shall thereupon order such Prisoner to file his Schedule, and may cause such Prisoner to be brought up to be dealt with according to this Act and all Things to be done thereon, as in other Cases. Proceedings on filing of Petition.

CCXXXIV. And in case such a Petition shall not be filed by any of the Creditors of the said Person within the said Period of *Twenty-one-Days*, then a Discharge shall be made out by such Officer without any further Order or Inquiry, and such Discharge shall be a proper Authority to the Marshal for discharging such Person from Custody, and the Marshal shall discharge the said Person forthwith; and such Discharge shall protect the said Person from future Arrest in respect only of the Debt, Costs, and Sums of Money for the Nonpayment of which he had been committed to or detained in the said Prison, previous to the Publication of the said Notice: Provided always, that the said Discharge shall not have the Effect of extinguishing the said Debts, or barring the Right to recover the said Costs or Sums of Money, or of protecting the Property of the said Person from Seizure Unless detaining Creditors lodge a Petition within Twenty-one Days, Prisoner to be entitled to his Discharge.

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and Sale under legal Process, for the Purpose of liquidating and satisfying the said Debts, Costs, and Sums of Money.

This Act not to extend to discharge Crown Debtors, &c., unless Treasury give Consent. 3 & 4 Vict. c. 107. s. 92.

CCXXXV. This Act shall not extend to discharge any Prisoner with respect to any Debt due to Her Majesty or Her Successors, or to any Debt or Penalty with which he shall stand charged at the Suit of the Crown, or any Person, for any Offence committed against any Act or Acts relative to any Branch of the Public Revenue, or at the Suit of any Sheriff or other Public Officer, upon any Bail Bond entered into for the Appearance of any Person prosecuted for any such Offence, unless the Commissioners of Her Majesty's Treasury for the Time being shall consent to such Discharge.

Sheriffs, &c. indemnified for obeying Orders of Court. 3 & 4 Vict. c. 107. s. 95.

CCXXXVI. Every Sheriff, Gaoler, Keeper, or other Officer of any Prison who shall do anything in obedience to any Order of the Court shall be and is hereby indemnified for whatsoever shall be done by them respectively in obedience thereto.

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When and how Debts may be proved in Bankruptcy. 6 & 7 W. 4. c. 14. s. 56. 12 & 13 Vict. c. 106. s. 164.

CCXXXVII. At the Sittings for the Choice of Assignees and for the last Examination, and at every adjourned Sitting held for either of such Purposes, and at every other Sitting held for Proof of Debts, every Creditor of the Bankrupt may prove his Debt by his own Oath, or by the Oath of some other Person, or by Affidavit sworn before any of the Persons authorized to take Affidavits under this Act, or in such other Manner as shall be fixed by any General Order; provided, that it shall be lawful for the Court to examine upon Oath, either by by Word of Mouth or by Interrogatories in Writing, every Person claiming to prove a Debt, or to require such further Proof and to examine such other Persons in relation thereto as such Court shall think fit.

Undisputed Debts may be admitted as if proved.

CCXXXVIII. If at any Sitting of the Court at which Debts may be proved it shall appear to the Court, by the Examination of the Bankrupt, or otherwise, that any Debt is admitted by the Bankrupt either in the whole or in part, and if the Assignees do not nor does any Creditor dispute the same, it shall be lawful for the Court to order that such Debt or the Part thereof not disputed, shall be admitted without Oath or Affidavit, and entered as proved, on such Terms, if any, as the Court shall by any General or Special Order direct.

Bonâ fide Creditors, in respect of Debts contracted after an Act of Bankruptcy, may prove. 6 & 7 W. 4. c. 14. s. 58. 12 & 13 Vict. c. 106. s. 165.

CCXXXIX. Every Person with whom any Bankrupt shall have really and bonâ fide contracted any Debt or Demand before the filing of the Petition of Bankruptcy shall, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt, be admitted to prove the same as if no such Act of Bankruptcy had been committed.

CCXL. When

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CCXL. When any Bankrupt or Insolvent shall have been indebted to any Servant or Clerk of such Bankrupt or Insolvent in respect of the Wages or Salary of such Servant or Clerk, or to any Labourer or Workman, for Wages or Labour, it shall be lawful for the Court to order so much as shall be so due, not exceeding *Six* Months Wages or Salary, and not exceeding *Thirty Pounds*, to be paid to such Servant or Clerk or so much as shall be so due not exceeding *Five Pounds* to be paid to such Labourer or Workman, out of the Estate of such Bankrupt or Insolvent, and such Servant or Clerk, Labourer or Workman, shall be at liberty to prove, or shall be admitted as a Creditor on the Estate, for any Sum exceeding such Amount.

Court may order Three Months Wages or Salary to Clerks or Servants.
6 & 7 W. 4. c. 14. s. 59.
12 & 13 Vict. c. 107. s. 40.
12 & 13 Vict. c. 106. s. 168.

Apprentices to Bankrupts or Insolvents discharged from their Indentures.

CCXLI. Where any Person shall have been an Apprentice to a Bankrupt or Insolvent at the Time of the filing of a Petition of Bankruptcy or Insolvency, the filing of such Petition shall be and enure as a complete Discharge of the Indenture whereby such Apprentice was bound; and if any Sum shall have been really and bonâ fide paid by or on the Behalf of such Apprentice to the Bankrupt or Insolvent as an Apprentice Fee, it shall be lawful for the Court, upon Proof thereof, to order any Sum to be paid out of the Estate of the said Bankrupt or Insolvent, to or for the Use of such Apprentice, which such Court shall think reasonable, regard being had in estimating such Sum to the Amount of the Sum so paid by or on behalf of such Apprentice, and to the Time during which such Apprentice shall have resided with the Bankrupt or Insolvent and to the other Circumstances of the Case.

Court may order any Sum to be repaid in respect of Apprentice Fees.
6 & 7 W. 4. c. 14. s. 60.
12 & 13 Vict. c. 106. s. 170.

Mutual Debts and Credits may be set forth.

CCXLII. Where there has been mutual Credit given by the Bankrupt or Insolvent and any other Person, or where there are mutual Debts between the Bankrupt or Insolvent and any other Person, the Court shall state the Account between them, and One Debt or Demand may be set against another, notwithstanding, in case of Bankruptcy, any prior Act of Bankruptcy committed by such Bankrupt before the Credit given to or the Debt contracted by him, and what shall appear due on either Side on the Balance of such Account, and no more, shall be claimed or paid on either Side respectively; and every Debt or Demand hereby made provable against the Estate of the Bankrupt or Insolvent may also be set off, in manner aforesaid, against such Estate; provided that the Person claiming the Benefit of such Set-off had not when such Credit was given Notice of an Act of Bankruptcy by such Bankrupt committed.

6 & 7 W. c. 14. s. 61.
12 & 13 Vict. c. 106. s. 171.

Debts not payable at the Time of the Bankruptcy

CCXLIII. Any Person who shall have given Credit to the Bankrupt or Insolvent upon valuable Consideration for any Money or other

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or Insolvency may be proved, deducting Rebate of Interest.
6 & 7 W. 4. c. 14. s. 62.
12 & 13 Vict. c. 106. s. 172.

Matter or Thing whatsoever which shall not have become payable at the Time of the filing of the Petition of Bankruptcy or Insolvency, and whether such Credit shall have been given upon any Bill, Bond, Note, or other negotiable Security, or not, shall be entitled to prove or may be admitted as a Creditor in respect of such Debt, Bill, Bond, Note, or other Security, as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the Rate of *Six* Pounds per Centum per Annum, to be computed from the Declaration of a Dividend to the Time such Debt would have become payable according to the Terms upon which it was contracted.

Sureties and Persons liable for the Debts of a Bankrupt or Insolvent may prove, after having paid such Debts.
6 & 7 W. 4 c. 14. s. 63.
12 & 13 Vict. c. 106. s. 173.

CCXLIV. Any Person who at the filing of a Petition of Bankruptcy or Insolvency shall be Surety or liable for any Debt of the Bankrupt or Insolvent, or Bail for the Bankrupt or Insolvent, either to the Sheriff or to the Action, if he shall have paid the Debt, or any Part thereof in discharge of the whole Debt, although he may have paid the same after the filing of the Petition of Bankruptcy or Insolvency, if the Creditor shall have proved his Debt under the Bankruptcy or Insolvency, shall be entitled to stand in the Place of such Creditor as to the Dividends and all other Rights under the Bankruptcy or Insolvency which such Creditor possessed or would be entitled to in respect of such Proof; or, if the Creditor shall not have proved, such Surety, or Person liable, or Bail, shall be entitled to prove his Demand in respect of such Payment as a Debt under the Bankruptcy or Insolvency, not disturbing the former Dividends, and may receive Dividends with the other Creditors, although he may have become Surety, liable, or Bail as aforesaid, after an Act of Bankruptcy committed by the Bankrupt; provided that such Person had not, when he became such Surety or Bail or so liable as aforesaid, Notice of any Act of Bankruptcy by such Bankrupt committed.

Obligees in Bottomry or Respondentia Bonds, and Assured in Policy of Insurance, admitted to claim, and, after Loss, to prove.
6 & 7 W. 4. c. 14. s. 64.
12 & 13 Vict. c. 106. s. 174.

Persons affecting Insurance admitted to prove any Loss.

CCXLV. The Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance made upon good and valuable Consideration, shall be admitted to claim, and, after the Loss or Contingency shall have happened, to prove his Debt or Demand in respect thereof, or be admitted as a Creditor and receive Dividends with the other Creditors, as if the Loss or Contingency had happened before the filing of the Petition of Bankruptcy or Insolvency against such Obligor or Insuror; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person (as a Subscriber or Underwriter) having become or becoming bankrupt or insolvent shall be entitled to prove or be admitted as a Creditor for any Loss to which such Bankrupt or Insolvent shall be

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be liable in respect of such Subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Realm.

Annuity Creditor admitted to prove. 6 & 7 W. 4. c. 14. s. 65. 12 & 13 Vict. c. 106. s. 175.

CCXLVI. Any Annuity Creditor of any Bankrupt or Insolvent, by whatever Assurance the same be secured, and whether there were or not any Arrears of such Annuity due at the Bankruptcy or Insolvency, shall be entitled to prove or be admitted as a Creditor for the Value of such Annuity, which Value the Court shall ascertain, regard being had to the original Price given for such Annuity, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the filing of the Petition of Bankruptcy or Insolvency.

Sureties for Payment of Annuities granted by Bankrupt or Insolvent, in what Manner to come in. 6 & 7 W. 4. c. 14. s. 66. 12 & 13 Vict. c. 106. s. 176.

CCXLVII. It shall not be lawful for any Person entitled to any Annuity granted by any Bankrupt or Insolvent to sue any Person who may be collateral Surety for the Payment of such Annuity until such Annuitant shall have proved or have been admitted as a Creditor against such Bankrupt's or Insolvent's Estate for the Value of such Annuity, and for the Arrears thereof; and if such Surety, after such Proof, pay the Amount proved, he shall be thereby discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the Annuity subsequent to the Bankruptcy or Insolvency shall have become due) pay the Sum so proved, he may be sued for the accruing Payments of such Annuity, until such Annuitant shall have paid or satisfied the Amount so proved, with Interest thereon at the Rate of *Five Pounds* per Centum per Annum from the Time of Notice of such Proof, and of the Amount thereof, being given to such Surety, and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant in respect of such Proof to the Amount so paid or satisfied by such Surety, and the Certificate of the Bankrupt or the final Discharge of the Insolvent shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to Credit in Account with such Annuitant for any Dividends received by such Annuitant under the Bankruptcy or Insolvency before such Surety shall have fully paid or satisfied the Amount so proved.

Contingent Debt to be provable for the Value thereof, to be ascertained by the Court, or if Value not ascertained before the Contingency

CCXLVIII. If any Bankrupt or Insolvent shall before the filing of a Petition of Bankruptcy or Insolvency, have bonâ fide contracted any Debt payable upon a Contingency, which shall not have happened before the filing of such Petition, the Person with whom such Debt has been contracted may, if he think fit, apply to the Court to set a

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Value upon such Debt, and the Court is hereby required to ascertain the Value, and to admit such Person as a Creditor for the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be ascertained before the Contingency shall have happened, then such Person may, after such Contingency shall have happened, prove or shall be admitted as a Creditor in respect of such Debt, and receive Dividends with the other Creditors, not disturbing any former Dividends.

has happened, then, after Contingency has happened, Amount of Debt may be proved.
6 & 7 W. 4. c. 14. s. 67.
12 & 13 Vict. c. 106. s. 177.

Liability contingent may be admitted as a claim and after Contingency has happened, and the Demand been ascertained, Demand may be proved.
12 & 13 Vict. c. 106. s. 178.

CCXLIX. If any Bankrupt or Insolvent shall, before the filing of a Petition of Bankruptcy or Insolvency, have contracted bonâ fide a Liability to pay Money upon a Contingency which shall not have happened, and the Demand in respect thereof shall not have been ascertained before the filing of such Petition, in every such Case, if such Liability be not provable under any other Provision of this Act, the Person with whom such Liability has been contracted shall be admitted to claim for such Sum as the Court shall think fit, and after the Contingency shall have happened, and the Demand in respect of such Liability shall have been ascertained, he shall be admitted as a Creditor for such Demand, and receive Dividends with the other Creditors, and so far as practicable, as if the Contingency had happened and the Demand had been ascertained before the filing of such Petition, but not disturbing former Dividends; provided that where any such Claim shall not have, either in whole or in part, been converted into a Proof within *Six* Months after the filing of such Petition, it may, upon the Application of the Assignees, at any Time after the Expiration of such Time, and if the Court shall think fit, be expunged, either in whole or in part, from the Proceedings.

On Bankruptcy or Insolvency of Agent intrusted with Goods, but which have been pledged by him, Owner may prove for Amount paid to redeem, or for Value if the Goods be unredeemed.
5 & 6 Vict. c. 39.
12 & 13 Vict. c. 106. s. 179.

CCL. In case of the Bankruptcy or Insolvency of any Agent intrusted with the Possession of Goods within the Meaning of an Act passed in the Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled "An Act to amend "the Law relating to Advances bonâ fide made to Agents intrusted "with Goods," the Owner of any Goods so intrusted to such Agent, and which shall have been redeemed by such Owner in manner provided by the said Act, shall, in respect of the Sum paid by him on account of such Agent be held to have paid such Sum for the Use of such Agent before his Bankruptcy or Insolvency, or in case such Goods shall not be so redeemed, the Owner shall be deemed a Creditor of such Agent for the Value of the Goods so pledged at the Time of the Pledge, and shall, if he shall think fit, be entitled in either of such Cases to prove for or set off the Sum so paid, or the Value of such Goods, as the Case may be.

CCLI. Upon

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CCLI. Upon all Debts or Sums certain, whereupon Interest is not reserved or agreed for, and which shall be overdue at the filing of the Petition of Bankruptcy or Insolvency, the Creditor shall be entitled to prove or be admitted as a Creditor for Interest, to be calculated at a Rate not exceeding *Five Pounds* per Centum per Annum, up to the filing of such Petition, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand.

Interest upon Debts when provable, though not reserved or agreed for. 6 & 7 W. c. 14. s. 68. 12 & 13 Vict. c. 106. s. 180.

CCLII. If any Plaintiff in any Suit shall have obtained any Judgment, Decree, or Order against any Person who shall thereafter become bankrupt or insolvent, for any Debt or Demand in respect of which such Plaintiff shall prove or be admitted a Creditor under the Bankruptcy or Insolvency, such Plaintiff or Petitioner shall also be entitled to prove, or be admitted a Creditor, for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy or Insolvency; and if any Defendant shall have obtained any Judgment, Decree, or Order in any Suit against any Person who shall thereafter become bankrupt, such Defendant shall be entitled to prove, or be admitted a Creditor, for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy or Insolvency.

Plaintiff or Defendant obtaining Judgment, &c. entitled to prove for Costs, &c. 6 & 7 W. 4. c. 14. s. 69. 12 & 13 Vict. c. 106. s. 181.

CCLIII. No Creditor who has instituted any Suit against any Bankrupt or Insolvent in respect of a Demand prior to the Bankruptcy or Insolvency, or which might have been proved or admitted as a Debt under the Bankruptcy or Insolvency, shall prove or be admitted as a Creditor under such Bankruptcy or Insolvency, or have any Claim entered upon the Proceedings, without relinquishing such Suit; and the proving or claiming a Debt under any Bankruptcy or Insolvency by any Creditor shall be deemed an Election by such Creditor to take the Benefit of such Bankruptcy or Insolvency with respect to the Debt so proved or claimed; provided that such Creditor shall not be liable to the Payment to such Bankrupt or Insolvent or his Assignees of the Costs of such Suit so relinquished; and that where any such Creditor shall have instituted any Suit against such Bankrupt or Insolvent, jointly with any other Person, his relinquishing such Suit against the Bankrupt or Insolvent shall not affect such Suit against such other Person; provided also, that any Creditor who shall have so proved or claimed, if the Petition of

Proving Debt to be an Election not to proceed by Action. 6 & 7 W. 4. c. 14. s. 70. 12 & 13 Vict. c. 106. s. 182.

Proof of Debts.

Bankruptcy or Insolvency be afterwards superseded or dismissed, may proceed in the Suit as if he had not so proved or claimed.

Court may expunge Proof of any Debts which after Investigation do not appear to be due.
6 & 7 W. 4. c. 14. s. 71.
12 & 13 Vict. c. 106. s. 183.

CCLIV. Whenever it shall appear to the Assignees, or to any Creditor who has proved a Debt or been admitted as a Creditor to the Amount of *Twenty Pounds* or upwards, that any Debt proved or admitted is not justly due, either in whole or in part, such Assignees or Creditor may make Representation thereof to the Court; and it shall be lawful for the Court to summon and examine upon Oath any Person whose Evidence may appear to the Court to be material, either in support of or in opposition to any such Debt; and if the Court shall be of opinion that such Debt is not due, either wholly or in part, the Court shall be at liberty to expunge the same, either wholly or in part, from the Proceedings and make such Order therein as to Costs as to the Court shall seem fit.

Ascertainment of Debts in Insolvency.

CCLV. The Court may by any General Orders regulate the Admission, Proof, and Ascertainment of Debts in Insolvency.

Assignees, their Rights and Duties.

Assignees how and when chosen.
6 & 7 W. 4. c. 14. ss. 55. 72. 80.
12 and 13 Vict. c. 107. ss. 77. 78.
12 & 13 Vict. c. 106. s. 139.

Court may reject or remove any Person chosen as unfit.

CCLVI. The Court shall, by General Orders to be from Time to Time made pursuant to this Act, regulate and fix the Manner and Time of the Choice and Appointment of Creditors Assignees of the Bankrupt's or Insolvent's Estate and Effects; and all Creditors shall be entitled to vote in such Choice personally, or by some Agent duly authorized in Writing; and the Choice and Appointment shall be made by the major Part in Value of the Creditors; provided that the Court shall have Power to reject any Person so chosen who shall appear to such Court unfit to be an Assignee, or to remove any Assignee, and upon such Rejection or Removal a new Choice and Appointment of another Assignee shall be made in like Manner.

Joint Creditor entitled to prove for the Purpose of voting in the Choice of Assignees.
6 & 7 W. 4. c. 14. s. 73.
12 & 13 Vict. c. 106. s. 140.

CCLVII. If One or more of the Partners of a Firm be a Bankrupt or Insolvent, any Creditor of the Firm shall be entitled to prove his Debt or be admitted as a Creditor for the Purpose of voting in the Choice of Assignees, and of being heard against the Allowance of the Bankrupt's Certificate, or of the Discharge of the Insolvent, or of any such Purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Bankrupt or Insolvent until all the separate Creditors shall have received the full Amount of their respective Debts.

Personal Estate to vest in Assignees.
6 & 7 W. 4. c. 14. c. 74.
12 & 13 Vict. c. 106. s. 141.
3 & 4 Vict. c. 107. s. 20.

CCLVIII. When any Person shall be adjudged a Bankrupt, and upon the filing of any Petition of Insolvency by any Insolvent, and also on the filing of any Petition of Insolvency against any Insolvent by any Creditor, (if the Court shall make Order thereon that the Insolvent

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Insolvent shall file his Schedule or be brought up to be dealt with according to this Act,) all the Personal Estate and Effects of such Bankrupt or Insolvent, present and future, wheresoever the same may be, and all Property which he may purchase, or which may revert, descend, be devised, or bequeathed or come to him, before such Bankrupt shall have obtained his Certificate or such Insolvent shall have become entitled to his final Discharge in pursuance of the Adjudication made in that Behalf; and all Debts due or to be due to him, shall become absolutely vested in the Assignees for the Time being, for the Benefit of the Creditors of the Bankrupt or Insolvent; and no such Bankrupt or Insolvent, nor any Person claiming through or under him, shall have Power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as the Debt of such Bankrupt or Insolvent by any Person, according to the Custom of the City of Dublin or otherwise, but such Assignees shall have absolute Power and Remedy to recover the same in their own Names.

Real Estate to vest in Assignees. 6 & 7 W. 4. c. 14. s. 77. 12 & 13 Vict. c. 106. s. 142.

CCLIX. When any Person shall be adjudged a Bankrupt, and upon the filing of any Petition of Insolvency by any Insolvent, and also on the filing of any Petition of Insolvency against any Insolvent by any Creditor, (if the Court shall make an Order thereon that such Insolvent should file his Schedule or be brought up to be dealt with according to this Act,) all Lands, Tenements, and Hereditaments, (except Copy or Customaryhold) wheresoever the same may be situate, to which any such Bankrupt or Insolvent is entitled, and all Interest therein to which such Bankrupt or Insolvent is entitled, and of which he might have disposed, and all such Lands, Tenements, and Hereditaments as he shall purchase, or shall descend, be devised, revert to, or come to such Bankrupt, before he shall have obtained his Certificate, or to such Insolvent before his final Discharge, and all Deeds, Papers, and Writings respecting the same, shall become absolutely vested in the Assignees for the Time being, for the Benefit of the Creditors of such Bankrupt or Insolvent.

Where a Conveyance of the Property of a Bankrupt or Insolvent would require to be registered, the Certificate of the Appointment of the Assignees shall be registered. 6 & 7 W. 4. c. 14. s. 78. 12 & 13 Vict. c. 106. s. 143.

CCLX. Where, according to Law, any Conveyance or Assignment or any Real or Personal Property of a Bankrupt or Insolvent would require to be registered, enrolled, or recorded in any Registry Office, Court or Place in the United Kingdom, or in any of the Dominions of Her Majesty, then and in every such Case a Certificate under the Seal of the Court, and in such Form as the Court may direct, that the Estate and Effects of the Bankrupt or Insolvent have vested in the Assignees, shall be registered in such Registry Office, Court, or Place, and shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assign-

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ment would have had; but the Title of any Purchaser of any such Property for valuable Consideration, bonâ fide, without Notice of the Bankruptcy, or before the Commencement of the Imprisonment of such Insolvent, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not be invalidated by reason of such Appointment of Assignees, or of the vesting of such Property in them, unless such Certificate shall be registered as aforesaid within the Times following: (that is to say,) as regards the United Kingdom, within *Two* Months of the Date of such Appointment, and as regards all other Places, within *Twelve* Months from the Date thereof.

Assignees not to take Crop in any other Way than Bankrupt or Insolvent would have been entitled to.
12 & 13 Vict. c. 106. s. 144.

CCLXI. No Assignees of any Bankrupt's or Insolvent's Estate, nor any Purchaser from any such Assignees of any Goods, Chattels, Stock, or Crop, being Part of the Estate of any Bankrupt or Insolvent engaged or employed in Husbandry on any Lands let to Farm, shall take, use, or dispose of any Hay, Straw, Grass or Grasses, Turnips, or other Roots, or any other Produce of such Lands, or any Manure, Compost, Ashes, Seaweed, or other Dressings intended for such Lands, and being thereon, in any other Manner or for any other Purpose than such Bankrupt or Insolvent so employed in Husbandry lawfully might have taken, used, or disposed of the same.

Bankrupt or Insolvent not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Assignees decline to determine whether they will accept Conveyance, &c., any Person entitled may apply to the Court.
6 & 7 W. 4. c. 14. s. 89.
12 & 13 Vict. c. 106. s. 145.
3 & 4. Vict. c. 107. s. 38.

CCLXII. If the Assignees of any Bankrupt or Insolvent, being entitled to any Land, either under a Conveyance, Agreement, or otherwise, subject to any Rent, or being entitled to any Lease or Agreement for a Lease, shall elect to take such Land or the Benefit of such Lease or Agreement for a Lease, such Bankrupt or Insolvent shall not be liable to pay any Rent accruing after the filing of the Petition of Bankruptcy or Insolvency, or to be sued in respect of any subsequent Nonobservance or Nonperformance of any Conditions, Covenants, or Agreements in any such Conveyance or Agreement, or Lease or Agreement for a Lease; and if the Assignees shall not within a reasonable Time after being thereto required elect whether they will accept or decline such Land, or Conveyance or Agreement, or such Lease or Agreement for a Lease, any Person entitled to such Rent, or having so conveyed or agreed to convey, or leased or agreed to lease, or any Person claiming under him, shall be entitled to apply to the Court, and the Court may order them to elect, and may order the Lessees or the Bankrupt or Insolvent to deliver up such Conveyance or Agreement for Conveyance, or Lease or Agreement for Lease, in case they shall decline the same, and the Possession of the Premises, or may make such other Order therein as it shall think fit.

CCLXIII. If

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CCLXIII. If any Bankrupt or Insolvent shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, the Vendor or any Person claiming under him, if the Assignees shall not (upon being thereto required) elect whether they will abide by and execute such Agreement or abandon the same, may apply to the Court, and the Court may thereupon order them or the Bankrupt or Insolvent to deliver up the Agreement and the Possession of the Premises, or may make such other Order therein as such Court shall think fit.

Vendor of Estate in Lands may compel Assignees to elect whether they will abide by or decline the Agreement for Sale.
6 & 7 W. 4. c. 14. s. 90.
12 & 13 Vict. c. 106. s. 146.
3 & 4 Vict. c. 107. s. 37.

CCLXIV. All Powers vested in any Bankrupt or Insolvent which he might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice) may be executed by the Assignees, for the Benefit of the Creditors.

Assignees may execute Powers previously vested in Bankrupt or Insolvent.
6 & 7 W. 4. c. 14. s. 91.
12 & 13 Vict. c. 106. s. 147.
3 & 4 Vict. c. 107. s. 37.

CCLV. It shall be lawful for the Court, upon the Application of the Assignees, or of any Purchaser from them of any Part of the Bankrupt's or Insolvent's Estate, to order the Bankrupt or Insolvent to join in any Conveyance of such Estate or any Part thereof, or any Act or Deed in relation thereto; and if he shall not comply with such Order, such Bankrupt or Insolvent, and all Persons claiming under him, shall be stopped from objecting to the Validity of such Conveyance, and all Estate, Right or Title which such Bankrupt or Insolvent had therein shall be as effectually barred by such Order as if such Conveyance had been executed by him.

Court may order Bankrupts or Insolvents to join in Conveyances
6 & 7 W. 4. c. 14. s. 92.
12 & 13 Vict. c. 106. s. 148.

CCLXVI. If any Bankrupt or Insolvent shall have granted, conveyed, assured, or pledged any Real or Personal Estate, or deposited any Deeds, subject to a Condition or Power of Redemption at a future Day, the Assignees may, before the Time of the Performance of such Condition, make Tender or Payment of Money or other Performance according to such Condition, as fully as the Bankrupt or Insolvent might have done; and after such Tender, Payment, or Performance such Real or Personal Estate may be sold and disposed of for the Benefit of the Creditors.

Conditional Estates granted by the Bankrupt or Insolvent may be redeemed.
6 & 7 W. 4. c. 14. s. 84.
12 & 13 Vict. c. 106. s. 149.

CCLXVII. The Assignee may, with the Approbation of the Court, appoint any Bankrupt or Insolvent to superintend the Management of the Estate, or to carry on the Trade for behoof of the Creditors, or in any other respect to aid them in administering the Bankrupts or Insolvent's Estates and Effects, in such Manner and on such Terms as they may think best.

Assignees may appoint the Bankrupt or Insolvent to Manage the Estate.
6 & 7 W. 4. c. 14. s. 135.
12 & 13 Vict. c. 106. s. 150.

 CCLXVIII. The

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Assignees subject to Orders of Court. 6 & 7 W. 4. c. 14. s. 119. 12 & 13 Vic. c. 106. s. 151.

CCLXVIII. The Assignees shall be subject to the Orders of the Court in their Conduct as Assignees; and it shall be lawful for the Court at all Times to summon the Assignees, and examine them and require them to pay all Monies, and produce and deliver over all Books, Papers, Deeds, Writings, and other Documents which may have come to their Possession or Custody as such Assignees, as the Court shall order.

Member of a Firm becoming bankrupt or insolvent, the Court may authorize Suit in Name of Assignees and of remaining Partner. 6 & 7. W. 4. c. 14. s. 103. 12 & 13 Vict. c. 107. s. 43. 12 & 13 Vict. c. 106. s. 152. Partner to have Notice and may show Cause. Court may direct Partner to have Part of Proceeds.

CCLXIX. If any Bankrupt or Insolvent shall at the Time of the Bankruptcy or the filing the Petition of Insolvency be a Member of a Firm, it shall be lawful for the Court to authorize the Assignees to commence or prosecute any Suit in the Name of such Assignees and of the remaining Partner, to recover any Debt due to or any Estate or Effects, of the Partnership; and such Judgment, Decree, or Order may be obtained therein as if such Suit had been instituted with the Consent of such Partner; and if such Partner shall execute any Release of the Claim for which such Suit is instituted, such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and, if no Benefit be claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect of such Suit in such Manner as the Court may direct; and it shall be lawful for the Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as the Court shall direct.

Assignees may institute or defend Suits, and compound for Debts or submit Disputes to Arbitration. 6 & 7 W. 4. c. 14. s. 102. 12 & 13 Vict. c. 106. s. 153. 3 & 4 Vict. c. 107. s. 39.

CCLXX. The Assignees, with the Leave of the Court, may commence, prosecute, or defend any Suit, which the Bankrupt or Insolvent might have commenced and prosecuted or defended, and in such Case the Costs to which they may be put shall be allowed out of the Estate; and, with like Leave of the Court, the Assignees may take such reasonable Part of any Debts due to the Bankrupt's or Insolvent's Estate as may by Composition be gotten, or may give Time, or take Security for the Payment of such Debts, and may submit to Arbitration any Difference or Dispute between the Assignees and any other Person for or on account or by reason of anything relating to the Estate and Effects of the Bankrupt or Insolvent.

Reference to Arbitration be made a Rule of Court. 12 & 13 Vict. c. 106. s. 154. 6 W. 4. c. 14. s. 102.

CCLXXI. If the Assignees shall agree to refer any Matter to Arbitration, such Reference shall be made a Rule of the Court.

Persons from whom the As-

CCLXXII. All Persons from whom the Assignees shall have recovered any Real or Personal Estate, and all Persons who shall, without

Suit

Assignees, their Rights and Duties.

Suit bonâ fide deliver up Possession of any Real or Personal Estate to the Assignees, or pay any Debt claimed by them, are hereby discharged from all Claim of such Bankrupt or Insolvent in respect of the same, even although the Petition of Bankruptcy or Insolvency be afterwards dismissed, or the Adjudication annulled.

signees have recovered, or who have paid the Assignees, &c., discharged from Claims by the Bankrupt or Insolvent.
6 & 7 W. 4, c. 14. s. 108.
12 & 13 Vict. c. 106. s. 155.

CCLXXIII. The Assignees may, with the Approval of the Court, make to any Person who shall discover and disclose Property of any Bankrupt or Insolvent concealed or withheld such Allowance out of such Property as to the Court shall seem fit.

Allowance to Persons disclosing concealed Property.

CCLXXIV. Whenever an Assignee shall die, or be removed, or a new Assignee shall be appointed, no Suit shall be thereby abated, but the Court in which any Suit is depending may, upon the Suggestion of such Death or Removal and new Appointment, allow the Name of the new Assignee to be substituted.

Suits not to abate by Death or Removal of Assignees.
12 & 13 Vict. c. 107. s. 79.
12 & 13 Vict. c. 106. s. 157.
3 & 4 Vict. c. 107. s. 41.

CCLXXV. In case any Prisoner who shall have filed a Petition of Insolvency, or against whom a Petition of Insolvency has been filed by any Creditor, shall be discharged out of Custody without any Adjudication being made by the Court, all the Acts done before his Discharge by the Assignees or other Persons acting by the Authority of the Court shall, according to the Provisions of this Act, be good and valid; and in such Case no Suit shall be commenced against any Assignees appointed under this Act, or any Person duly acting under their Authority or the Authority of the Court, except to recover any Property, Estate, Money, or Effects of such Prisoner detained after an Order made by the Court for the Delivery thereof, and Demand made thereupon.

Protection to Assignees if Prisoner discharged without Adjudication.
3 & 4 Vict. c. 107. s. .

CCLXXVI. Every Action brought against any Person for anything done in pursuance of this Act shall be commenced within *Six* Months next after the Fact committed; and the Defendant may plead that the same was done by Authority of this Act; and if it shall appear so to have been done, or that such Action was commenced after the Time limited as aforesaid for bringing the same, the Jury shall find for the Defendant.

Limitations of Actions for Things done in pursuance of this Act.
General Issue.
Costs.
6 & 7 W. 4. c. 14. s. 54.
12 & 13 Vict. c. 106. s. 159.

The Audit and Dividend.

CCLXXVII. The Court shall whenever it shall think fit, at a public Sitting, of which such Notice shall be given as the Court shall by any General or Special Order direct, audit the Accounts of the Assignees; and at such Sitting the Assignees shall deliver upon Oath a true Statement in Writing of all Money received by them respectively, and when and on what Account, and how the same has been employed,

Appointment for Sitting for Audit.
6 & 7 W. 4. c. 14. s. 124.
12 & 13 Vict. c. 106. s. 185.
3 & 4 Vict. c. 107 s. 49.

The Audit and Dividend.

employed, and such other Particulars as the Court may direct; and the Court shall examine such Statement, and ascertain what Balances have been from Time to Time in the Hands of such Assignees respectively, and with what Sums the Assignees are properly chargeable; and it shall be lawful for the Court to examine the Assignees upon Oath touching such Accounts, and to make therein all just Allowances, but the Court may if it think fit, dispense with the Attendance of the Creditor's Assignees at such Sitting.

Court may direct Money to be invested in Exchequer Bills. 6 & 7 W. 4. c. 14. s. 121. 12 & 13 Vict. c. 106. s. 186.

CCLXXVIII. The Court may direct any Money, Part of such Estate, to be vested in the Purchase of Exchequer Bills, or in the Public Funds, for the Benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills or Funds to be sold when it shall appear to such Court expedient, and may direct the Proceeds thereof to be again laid out in the Purchase of Exchequer Bills, or in the Public Funds, or to be applied for the Benefit of the Creditors.

Method of making Dividends. 6 & 7 W. 4. c. 14. s. 125. 12 & 13 Vict. c. 106. s. 187.

CCLXXIX. The Court shall, whenever it shall think fit, appoint a public Sitting, whereof such Notice shall be given as the Court shall by any General or Special Order direct, to make a Dividend, and may at such Sitting direct such Part of the net Produce of the Estate as it may think fit to be forthwith divided, and make an Order for Dividend accordingly in such Form as the Court shall by any General Order direct; and the Assignees shall forthwith make such Dividend in manner directed by the Orders at any Time in force under this Act relating to the Mode of Payment of Dividends by the Assignees.

Same Sitting for Audit and Dividend.

CCLXXX. The Court may appoint the same Sitting for the Audit and Dividend.

Final Dividend within Eighteen Months, except where Suit depending or Estate standing out, &c. 6 & 7 W. 4. c. 14. s. 127. 12 & 13 Vict. c. 106. s. 188.

CCLXXXI. If the Estate shall not have been wholly divided upon the First Dividend, the Court shall, within *Eighteen* Months after the filing of the Petition, appoint a public Sitting to make a Second Dividend, of which such Notice shall be given as the Court shall by any General or Special Order direct, and at such Sitting shall order the Balance in hand to be forthwith divided; and such Second Dividend shall be final, unless any Suit be depending, or any Part of the Estate be not sold or disposed of, or unless some other Estate or Effects shall afterwards come to the Assignees, in which Case they shall as soon as may be convert such Estate and Effects into Money, and within *Two* Months after the same shall be so converted the same shall also be divided in manner aforesaid.

CCLXXXII. If

The Audit and Account.

Outstanding Debts, &c. may be sold by the Assignees after a certain Time.

CCLXXXII. If at the Expiration of *Two* Years from the filing of the Petition there shall remain any outstanding Debts or other Property belonging to the Estate which cannot in the Opinion of the Court be collected and received without unreasonable or inconvenient Delay, it shall be lawful for the Assignees, under the Direction of the Court, to sell and assign such Debts and other Property in such Manner and subject to such Conditions as shall be ordered by the Court; and any Person to whom any of such Debts shall be so sold or assigned may sue for the same in his own Name as fully as the Assignees might have done.

Debtor and Creditor Account to be furnished by Official Assignee to Trade Assignee, &c. before final Dividend.
12 &. 13 Vict. c. 107. s. 36.
12 &. 13 Vict. c. 106. s. 189.

CCLXXXIII. *Fourteen* Days before a final Dividend shall be advertised there shall be sent by the Official Assignee to each Creditor's Assignee a Debtor and Creditor Account between the Official Assignee and such Estate, showing also the Monies remaining uncollected under such Estate, and the Cause of such Monies remaining uncollected; and a Copy of such Account shall, on Application to the Official Assignee, be delivered to any Person who shall pay for the same such Sum, not exceeding *Two Shillings and Sixpence*, as shall be settled by the Court.

No Action to be brought for Dividends, but the Remedy to be by Application to the Court.
6 & 7 W. 4. c. 14. s. 129.
12 & 13 Vict. c. 106. s. 190.

CCLXXXIV. No Action for any Dividend shall be brought against any Assignee, but if the Assignees shall refuse to pay any such Dividend the Court may order Payment thereof, with Interest for the Time it shall have been withheld, and may also order the Costs of the Application.

Unclaimed Dividends, &c.

Monies standing to Credit of General Fund Account in Insolvency to be carried to the Unclaimed Dividend Account.

CCLXXXV. All Monies and Government Securities which shall, at the Time appointed for the Commencement of this Act, stand in the Bank of Ireland, with the Privity of the Chief Clerk of the Court for Relief of Insolvent Debtors, to the Credit of an Account called "The General Fund Account," shall be carried by the Bank of Ireland to the Credit of an Account to be called "The Unclaimed Dividend Account," subject to the Orders of the Court for the Payment thereout of any Dividend, or for the Distribution of any Part thereof, in the Matter to which the same originally belonged.

Unclaimed Dividends to be carried to the same Account.

CCLXXXVI. All unclaimed Dividends and all Monies unclaimed, the Produce of any Bankrupt's or Insolvent's Estate, shall, after the Expiration of the Period of *Twelve* Months from the Dividend having been declared, or from the Time at which any other Monies unclaimed shall have come to the Hands of the Assignees, be paid into or transferred to the Credit of "The Unclaimed Dividend Account," subject to the Order of the Court for the Payment thereout of any Dividend due to any Creditor, or for the Distribution of any such other unclaimed Money.

Unclaimed Dividends, &c.

Court may direct Investment.

CCLXXXVII. The Court may, from Time to Time, direct that the whole or any Part of the Monies standing to the Credit of said Unclaimed Dividend Account shall be invested in the Public Funds.

Application of Interest.

CCLXXXVIII. The Interest and Profit arising from "the Unclaimed Dividends Account" shall from Time to Time be applied, under the Order of the Court, towards defraying the Expenses of the Court.

Allowances to the Bankrupt or Insolvent.

Excepted Articles to be allowed to a Bankrupt or Insolvent. 17 & 18 Vict. c. 119. ss. 25, 26. 27.

CCLXXXIX. Every Bankrupt and Insolvent shall be entitled to retain, under the Name of excepted Articles, such Articles of Household Furniture, and Tools, Implements of Trade, and other like Necessaries, as he shall specify and select, not exceeding in the whole the Value of *Twenty Pounds;* and such excepted Articles shall not be subject to be sold or disposed of in the Bankruptcy or Insolvency, or to be taken in Execution at the Suit of any Creditor entitled to prove under the Bankruptcy or Insolvency; and in all Cases there shall be filed with the Proceedings an Inventory of such excepted Articles, with a Valuation of the same respectively, with a Certificate signed by the Appraiser or other Person making such Valuation attesting the Truth thereof, and stating when and where such Articles were seen and valued.

An Inventory and Valuation of the Remainder of the Bankrupt's or Insolvent's Household Furniture, &c. to be made, which shall not be sold without Order of the Court.

CCXC. Except where the Court shall otherwise order, an Inventory and Valuation of the Remainder of the Bankrupt's or Insolvent's Household Furniture, Tools, and Implements of Trade shall be made and delivered to the Official Assignee; and where the Bankrupt or Insolvent shall, by Writing under his Hand, request the Assignees not to dispose of the same, such Household Furniture, Tools, or Implements of Trade shall not be disposed of by the Assignees without previous Order of the Court; and the Court may, upon the Application of the Bankrupt or Insolvent, postpone the Removal and Sale of the same for such Time as the Court, in the Exercise of its Discretion, shall think fit, and the Court may permit the same to remain in the Use of the Bankrupt or Insolvent, upon such Terms and Conditions and with such Security as may seem proper; and the Court may at any Time order the same to be taken by the Messenger or Assignees, and to be sold for the Benefit of the Creditors.

If the Bankrupt or Insolvent shall be entitled to any Allowance, his Household Furniture, &c. to be taken in lieu of Money.

CCXCI. If the Bankrupt or Insolvent shall become entitled to an Allowance in Money, and the Household Furniture, Tools, and Implements of Trade so contained in the last-mentioned Inventory and Valuation shall not have been sold, the Bankrupt or Insolvent shall accept the same at the Valuation so originally put upon the same,

same, or a sufficient Portion thereof, to be selected by him, with the Approbation of the Assignees, as and for his Allowance instead of Money; and such Articles so accepted shall thereupon revest in him as his own Property.

Allowances to the Bankrupt or Insolvent.

Allowance to Bankrupt or Insolvent for Maintenance. 6 & 7 W. 4. c. 14. s. 132. 3 & 4 Vict. c. 107. s. 34. 12 & 13 Vict. c. 106. s. 194.

CCXCII. It shall be lawful for the Court, if it think fit, from Time to Time to make such Allowance to the Bankrupt or Insolvent out of his Estate as shall be necessary for the Support of himself and Family.

Allowance to Bankrupt 5 per Cent. and not exceeding 400*l.* as soon as 10*s.* paid in the Pound. 6 & 7 W. 4. c. 14. s. 146. 12 & 13 Vict. c. 107. s. 61. 12 & 13 Vict. c. 106. s. 195.

CCXCIII. The Court may make to every Bankrupt who shall have obtained his Certificate, and every Insolvent who shall have obtained his final Discharge, such Allowance out of the Estate as to the Court shall seem fit, not exceeding the Rates and Amount following, that is to say, if the net Produce of the Estate shall pay the Creditors *Five Shillings* in the Pound, an Allowance at the Rate of *Three Pounds* per Centum, provided such Allowance shall not exceed *Three hundred Pounds;* and if such Produce shall pay such Creditors *Ten Shillings* in the Pound, an Allowance at the Rate of *Five Pounds* per Centum, provided such Allowance shall not exceed *Four hundred Pounds;* and if such Produce shall pay such Creditors *Twelve Shillings and Sixpence* in the Pound, an Allowance at the Rate of *Seven Pounds Ten Shillings* per Centum, provided such Allowance shall not exceed *Five hundred Pounds;* if such Produce shall pay such Creditors *Fifteen Shillings* in the Pound or upwards, an Allowance at the Rate of *Ten Pounds* per Centum, provided such Allowance shall not exceed *Six hundred Pounds.*

$7\frac{1}{2}$ per Cent. and not exceeding 500*l.*, if 12*s.* 6*d.*

10 per Cent. and not exceeding 600*l.* if 15*s.*

One Partner may receive Allowance although other not entitled. 6 & 7 W. 4. c. 14. s. 147. 12 & 13 Vict. c. 107. s. 62. 12 & 13 Vict. c. 106. s. 196.

CCXCIV. The Court may make such Allowance to any Partner if a sufficient Dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner, although the other Partner may not be entitled to any Allowance.

If the Produce of Estate pay 20*s.* in the Pound and Interest and leave Surplus, such Surplus to be paid to Bankrupt or Insolvent. 6 & 7 W. 4. c. 14. s. 150. 62 & 13 Vict. c. 106. s. 197.

CCXCV. If the Produce of the Estate of any Bankrupt or Insolvent shall be sufficient to pay *Twenty Shillings* in the Pound, with such Interest as the Court shall allow to the Creditors, and to leave a Surplus, the Court shall order such Surplus to be paid to such Bankrupt or Insolvent, his Executors, Administrators, or Assigns.

Power of Court in relation to Property, &c.

Court may summon Bankrupt or Insolvent,

CCXCVI. The Court may at any Time summon any Bankrupt or Insolvent before it; and in case he shall not come at the Time appointed by the Court (having no lawful Impediment made known to and allowed by the Court at such Time), it shall be lawful for the Court by Warrant to authorize and direct any Person or Persons the

Power of Court in relation to Property, &c. of Bankrupts and Insolvents.

Court shall think fit to apprehend and arrest such Bankrupt or Insolvent, either in Ireland or Great Britain, and to bring him before the Court, provided the Warrant, if executed in England or Scotland, shall be verified upon Oath, and backed or indorsed as herein-before directed.

and issue Warrant if he does not attend.
6 & 7 W. 4. c. 14. s. 49.
12 & 13 Vict. c. 106. s. 119.

CCXCVII. Upon the Appearance of such Bankrupt or Insolvent, or if such Bankrupt or Insolvent be present at any Sitting of the Court, it shall be lawful for the Court to examine such Bankrupt or Insolvent upon Oath, either by Word of Mouth or on Interrogatories in Writing, touching all Matters relating to his Trade, Dealings, or Estate, and to reduce his Answers into Writing, which Examination so reduced into Writing the said Bankrupt or Insolvent shall sign.

Court may examine Bankrupt or Insolvent as to his Estate, &c.

Court may summon and examine the Bankrupt's Wife.
6 & 7 W. 4. c. 14. s. 50.
12 & 13 Vict. c. 106. s. 118.

CCXCVIII. It shall be lawful for the Court to summon before it the Wife of any Bankrupt or Insolvent, and to examine her upon Oath, either by Word of Mouth or Interrogatories in Writing, for the finding out and Discovery of the Estate, Goods, and Chattels of such Bankrupt or Insolvent concealed, kept, or disposed of by such Wife, in her own Person or by her own Act, or by any other Person, and to reduce her Examination into Writing, which Examination she is required to sign.

Court empowered to summon Persons suspected of having Bankrupt's or Insolvent's Property, &c.
6 & 7 W. 4. c. 14. s. 46.
12 & 13 Vict. c. 106. s. 120.

CCXCIX. After Adjudication in Bankruptcy, or the filing of a Petition in Insolvency, it shall be lawful for the Court to summon before it any Person known or suspected to have any of the Estate of the Bankrupt or Insolvent in his Possession, or who is supposed to be indebted to the Bankrupt or Insolvent, or any Person the Court may believe capable of giving Information concerning the Person, Trade, Dealings, or Estate of the Bankrupt or Insolvent; and the Court may require such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court material in relation to the Matters which the Court is authorized to inquire into; and if such Person so summoned as aforesaid shall not come before the Court at the Time appointed, having no lawful Impediment (made known to and allowed by the Court), it shall be lawful for the Court by Warrant to authorize and direct the Person or Persons therein named for that Purpose to apprehend and arrest such Person, and bring him before the Court for Examination.

Service of Summons where Persons keep out of the Way.
12 & 13 Vict. c. 107. s. 72.
12 & 13 Vict. c. 106. s. 121.

CCC. Where it shall be shown by Affidavit to the Satisfaction of the Court that any Person to whom any Summons, Notice, or Order is directed is keeping out of the Way, and cannot be personally served therewith, it shall be lawful for the Court to order that the Delivery of a Copy of such Summons, Notice, or Order to the

the Wife or Servant or some Adult Inmate of the House or Family of the Person at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Wife, Servant, or Inmate, shall be equivalent to Personal Service; and in every such Case the Service of such Summons, Notice, or Order, in pursuance of such Order, shall be and be deemed of the same Effect to all Intents and Purposes, as Personal Service.

Power of Court in relation to Property, &c.

CCCI. Upon the Appearance of any Person summoned or brought before the Court, or if any Person be present at any Sitting of the Court, it shall be lawful for the Court to examine every such Person upon Oath, either by Word of Mouth or by Interrogatories in Writing, concerning the Person, Trade, Dealings, or Estate of any Bankrupt or Insolvent, and to reduce into Writing the Answers of every such Person; and such Answers, so reduced into Writing, such Person examined is hereby required to sign.

Power to examine Persons summoned or present at any Sitting.
6 & 7 W. 4. c. 14. s. 47.
12 & 13 Vict. c. 106. s. 122.

CCCII. If on the Examination of any Person alleged to be a Debtor to the Estate of any Bankrupt or Insolvent it shall appear that such Person is indebted to the Bankrupt or Insolvent in any Sum of Money, and that there is no Set-off or Defence to the same, it shall be lawful for the Court, if it think fit, to order (in the Form contained in the Schedule (S.) to this Act annexed, or to the like Effect,) that such Person shall forthwith, or at such Time and in such Manner as to the Court may seem expedient, pay the Amount so admitted to the Official Assignee, together with the Costs of and incident to the Summons of such Person, if the Court think fit to award Costs; or the Court may, if it think fit, in the said Form contained in Schedule (Q.) to this Act annexed, or to the like Effect, order the Official Assignee to pay the Costs of the Person summoned out of the Estate of the Bankrupt or Insolvent; provided also, that if Part only of the Sum actually due be so admitted, or if the Court make an Order for Part only of the Sum admitted, the Residue may be recoverable in the same Manner in all respects as if no such Admission or Order had been made.

12 & 13 Vict. c. 106. s. 123.
In a Case of Debts admitted to be due to Bankrupt's or Insolvent's Estate, Court may order Payment.

CCCIII. The Court may order, that for a Period not exceeding *Three* Months from the Date of any such Order all Post Letters directed or addressed to any Bankrupt or Insolvent shall be re-directed, re-addressed, sent, or delivered by the Postmaster General, or the Officers acting under him, to the Assignees, or other Person named in such Order; and upon Notice, by Transmission of a Duplicate of any such Order to the Postmaster General, or the Officers acting under him, by the Assignees, it shall be lawful for the Postmaster General, or such Officers as aforesaid, in England, Scotland, or Ireland,

Court may order Letters addressed to Bankrupt or Insolvent to be re-directed, or delivered to Official Assignees, &c.
12 & 13 Vict. c. 106. s. 124.
10 & 11 Vict. c. 85. s. 11.

Power of Court in relation to Property, &c.

Ireland, to re-address, re-direct, send, or deliver all such Post Letters to the Assignee, or other Person named in such Order, accordingly; and the Court may, upon any Application to be made for that Purpose, renew any such Order for a like or for any other less Period as often as may be necessary.

Court may Order Goods in the Possession, Order, or Disposition of the Bankrupt or Insolvent to be Sold.
6 & 7 W. 4. c. 14. s. 86.
12 & 13 Vict. c. 106. s. 125.
3. & 4 Vict. c. 107. s. 45.

CCCIV. If any Bankrupt, at the Time he becomes bankrupt, or if any Insolvent, at the Time of the Commencement of his Imprisonment, shall, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof he was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy or Insolvency; but the Provisions of this Section shall not apply to any Transfer or Assignment of any Ship or Vessel, or any Share thereof, made by way of Security, duly registered according to the Provisions of the Laws in force for the registering of British Vessels.

Not to apply to Assignment of Vessels under the Laws for registering Vessels.

Power of Court over certain Conveyances, &c. made by Bankrupt or Insolvent.
6 & 7 W. 4. c. 14. s. 87.
12 & 13 Vict. c. 106. s. 126.

CCCV. If any Bankrupt or Insolvent Debtor, being at the Time in insolvent Circumstances, shall (except upon the Marriage of any of his Children or for some valuable Consideration) have conveyed, assigned, or transferred to any of his Children or to any other Person any Hereditaments, Offices, Fees, Annuities, Leases, Goods, or Chattels, or have delivered or made over to any such Persons any Bills, Bonds, Notes, or other Securities, or have transferred his Debts to any other Person or into any other Person's Name, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors; and every such Sale shall be valid against the Bankrupt or Insolvent and such Children and Persons, and against all Persons claiming under him.

Court may sell Property improperly extended.
6 & 7 W. 4. c. 14. s. 85.
12 & 13 Vict. c. 106. s. 127.

CCCVI. If any Real or Personal Estate or Debts of any Bankrupt be extended after he shall have become bankrupt, or of any Insolvent after the Commencement of his Imprisonment, by any Person, under Pretence of his being an Accountant of or Debtor to the Queen, the Court may examine upon Oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Bankrupt or Insolvent; and if such Contract was originally made with any other Person than the said Debtor or Accountant, or in trust for any other Person, the Court may order such Real and Personal Estate or Debts to be sold for the Benefit of the Creditors, and such Sale shall be valid against the said Extent and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall be bargained, sold,

sold, granted, or assigned by the Court shall have and may recover the same against any Person who shall detain the same.

Power of Court in relation to Property, &c.

CCCVII. The Court may permit any Mortgagee to bid at any Sale of the mortgaged Premises which shall take place before the Court.

Court may permit Mortgagees to bid at Sale.
12 & 13 Vict. c. 107. s. 67.

CCCVIII. And whereas Bankrupts and Insolvents may be entitled to Property under such Circumstances that the immediate Sale thereof may be very prejudicial: In all such Cases it shall be lawful for the Court to take into consideration all Circumstances affecting such Property and make any Special Order touching the same, and to direct that such Property shall not be sold, and from Time to Time to order and direct in what Manner such Property shall be managed for the Benefit of the Creditors of such Person, until the same can be properly sold, and to make such Orders touching the Sale or Disposition of such Property, and upon such Terms and Conditions with respect to the Allowance of Interest, or otherwise, as to the Court shall seem just.

Discretion given to the Court as to the Disposal of Property in certain Cases.
3 & 4 Vict. c. 107. s. 36.

CCCIX. If it shall appear to the Court that the Debts of any Bankrupt or Insolvent can be discharged by means of Money raised by way of Mortgage on any Property of such Person, instead of raising the same by Sale, it shall be lawful for the Court so to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Person, in such Manner as may be most consistent with the Interests of such Person in any Surplus of his or her Effects after Payment of such Debts:

Property may be mortgaged if more beneficial.

CCCX. The Court may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt or Insolvent as, on Communication from the Court to the Secretary-of-War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officers of the Department to which such Bankrupt or Insolvent may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt or Insolvent, or to the Court of Directors of the East India Company, they respectively may, under their Hands, or under the Hand of their respective Chief Secretary or other Chief Officer for the Time being, consent to, in Writing, to be paid to the Official Assignee, in order that the same may be applied in Payment of the Debts of such Bankrupt or Insolvent; and, such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of said Court of

Pay, Half Pay, and Pensions of Bankrupts and Insolvents to be applicable for the Benefit of Creditors.
12 & 13 Vict. c. 107. s. 38.
3 & 4 Vict. c. 107. s. 44.

Power of Court in relation to Property, &c.

of Directors, or of any other Officer or Persons appointed to pay or paying any such Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Consent shall be paid to such Official Assignee until the Court shall make Order to the contrary.

Where Bankrupt or Insolvent beneficially entitled to Stock, Court may make Order for Transfer.
6 & 7 W. 4. c. 14. s. 94.
12 & 13 Vict. c. 106. s. 128.

CCCXI. If any Bankrupt or Insolvent shall have any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in Ireland, England, or Scotland, standing in his Name in his own Right, it shall be lawful for the Court to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of the Assignees, and to pay all Dividends upon the same to the Official Assignees; and all such Persons whose Act or Consent is so necessary are hereby indemnified for all Things done or permitted pursuant to such Order.

Distress not to be available for more than One Half Year's Rent due; the Landlord to prove for the Residue.
6 & 7 W. 4. c. 14. s. 88.
12 & 13 Vict. c. 106. s. 129.
3 & 4 Vict. c. 107. s. 46.

CCCXII. No Distress for Rent made after an Act of Bankruptcy upon the Goods or Effects of any Bankrupt, whether before or after the filing of the Petition of Bankruptcy, shall be available for more than *Six* Months Rent accrued prior to the Day of the filing of such Petition; and no Distress for Rent made and levied after the Commencement of the Imprisonment of any Insolvent shall be available for more than *Six* Months Rent accrued prior to the filing of the Petition of Insolvency, but the Landlord or Persons to whom the Rent shall be due shall be allowed to come in as a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available.

Where Bankrupt or Insolvent is a Trustee, the Court may order Conveyance or Assignment to another Trustee.
6 & 7 W. 4. c. 14. s. 93.
12 & 13 Vict. c. 106. s. 130.

CCCXIII. If any Bankrupt or Insolvent shall as Trustee be seised, possessed of, or entitled to, either alone or jointly, any Real or Personal Estate, or any Interest secured upon or arising out of the same, or shall have standing in his Name as Trustee, either alone or jointly, any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in Ireland, England, or Scotland, it shall be lawful for the Lord Chancellor, on the Petition of the Person entitled in possession to the Receipt of the Income or Produce thereof, on due Notice given to all other Persons (if any) interested therein, to order the Assignees, and all Persons whose Act or Consent thereto is necessary, to convey, assign, or transfer the said Estate, Interest, Stock, Funds, or Annuities to such Person as the Lord Chancellor shall think fit, upon the same Trusts as the said Estate, Interest, Stock, Funds, or Annuities were subject to before the Bankruptcy, or Insolvency, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Income or Produce thereof as the Lord Chancellor shall direct; and it shall be lawful

lawful in such Case for the Lord Chancellor to appoint a new Trustee of the Property in the Place of the Bankrupt or Insolvent.

Power of Court in relation to Property, &c.

CCCXIV. No Title to any Real or Personal Estate sold under any Bankruptcy or Insolvency shall be impeached by the Bankrupt or Insolvent, or any Person claiming under him, in respect of any Defect in any of the Proceedings.

Titles to Property sold not to be impeached unless Proceedings taken to annul, and duly prosecuted.
6 & 7 W. 4. c. 14. s. 101.
12 & 13 Vict. c. 107. s. 26.
12 & 13 Vict. c. 106. s. 131.

CCCXV. After the Adjudication of Bankruptcy on a Creditor's Petition shall have been advertised in the "Dublin Gazette," or upon the filing of any Petition of Bankruptcy by a Trader, or of any Petition of Insolvency, it shall be lawful for the Court to order any Treasurer or other Officer, or any Banker, Attorney, or Solicitor, or other Agent of the Bankrupt or Insolvent, to pay and deliver over to the Official Assignee, or to the Bank of Ireland, to the Credit of the Assignees of the Bankrupt or Insolvent for the Time being, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or Insolvent or his Assignees.

The Court may order any Treasurer, &c. or Agent of the Bankrupt to deliver all Monies, &c.
12 & 13 Vict. c. 106. s. 132.
12 & 13 Vict. c. 107. s. 68.

CCCXVI. All Goods and Chattels of any Bankrupt or Insolvent which shall at the filing of the Petition be under Seizure by virtue of any Attachment shall, upon Demand, be delivered up by all Persons having the Custody of same to the Assignees.

Goods under Attachment to be delivered up.

CCCXVII. In all Cases where it shall be made to appear to the Satisfaction of the Court that there is reason to believe that any Property of any Bankrupt or Insolvent is concealed in any House or other Place not belonging to such Bankrupt or Insolvent, the Court may grant a Search Warrant to the Messenger and his Assistants or other Person appointed by the Court; and it shall be lawful for such Messenger and his Assistants or other Person to execute such Warrant according to the Tenor thereof; and such Messenger and his Assistants or other Persons shall be entitled to the same Protection as is allowed by Law in execution of a Search Warrant for Property reputed to be stolen or concealed; and every such Search Warrant shall be in the Form contained in Schedule (R.) to this Act annexed, or to the like Effect.

Search Warrants may be granted.
6 & 7 W. 4. c. 114. s. 42.
12 & 13 Vict. c. 107. s. 42.
12 & 13 Vict. c. 106. s. 106.

CCCXVIII. No Action shall be brought against any Messenger or his Assistants or other Person appointed by the Court for anything done in obedience to any Warrant of the Court, unless Demand of the Perusal and Copy of such Warrant hath been made or left at the usual Place of Abode of such Messenger or his Assistant or other Person,

No Action to be brought against Persons acting in obedience to Warrant of the Court.
6 & 7 W. 4. c. 14. s. 44.

Power of Court in relation to Property, &c.

12 & 13 Vict. c. 106. s. 107.

Person, by the Party intending to bring such Action, or by his Attorney or Agent, in Writing signed by the Party demanding the same, and unless the same hath been refused or neglected for *Six* Days after such Demand; and if after such Demand, and Compliance therewith, any Action be brought against such Messenger or Assistant or Person so appointed, the Jury at the Trial of such Action, on the Production and Proof of such Warrant, shall give their Verdict for the Defendant.

Protected Transactions.

Payments, Conveyances, Contracts, &c., Executions against Lands (if executed by Seizure), and against Goods (if executed by Seizure and Sale, to be valid, if no Notice of Prior Act of Bankruptcy.
6 & 7 W. 4. c. 14. ss. 95, 96, 98.
12 & 13 Vict. c. 106. s. 133.
7 & 8 Vict. c. 90. s. 36.

CCCXIX. All Payments really and bonâ fide made by or on behalf of any Bankrupt, before the filing of the Petition of Bankruptcy, to any Creditor of such Bankrupt, and all Payments really and bonâ fide made to any Bankrupt before the filing of such Petition, and all Conveyances by any Bankrupt bonâ fide made and executed before the filing of such Petition, and all Contracts, Dealings, and Transactions by and with any Bankrupt really and bonâ fide made and entered into before the filing of such Petition, and all Executions and Attachments against the Lands and Tenements of any Bankrupt bonâ fide executed by Seizure, and all Executions and Attachments against the Goods and Chattels of any Bankrupt bonâ fide executed and levied by Seizure and Sale, before the filing of such Petition, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed; provided the Person so dealing with or paying to or being paid by such Bankrupt, or at whose Suit or on whose Account such Execution or Attachment shall have issued, had not at the Time of such Payment, Conveyance, Contract, Dealing, or Transaction, or at the Time of so executing or levying such Execution or Attachment, Notice of any prior Act of Bankruptcy by him committed; provided that nothing herein contained shall be deemed or taken to give Validity to any Payment, or other Dealing or Transaction whatever being a voluntary or fraudulent Preference of any Creditor by such Bankrupt; or to any Execution founded on a Judgment on a Warrant of Attorney or Cognovit Actionem, or Judge's Order obtained by Consent, given by any Bankrupt by way of voluntary or fraudulent Preference.

Nothing herein to give Validity to Payment, &c. by way of fraudulent Preference.

Creditors having Security not to receive more than other Creditors.
6 & 7 W. 4. c. 14. s. 126.
12 & 13 Vict. c. 106. s. 184.
2 & 3 Vict. c. 86. s. 1.

CCCXX. No Creditor having Security for his Debt, or having made any Attachment in Dublin or in any other Place, by virtue of any Custom there used, of the Goods and Chattels of the Bankrupt, shall receive upon any such Security or Attachment more than a rateable Part of such Debt, except in respect of any Execution or Extent served and levied by Seizure upon or any Mortgage of or Lien upon any Part of the Property of such Bankrupt before the filing of a Petition of Bankruptcy; provided that no Creditor who shall sue out Execution on any Judgment obtained by Default, Confession,

or

or Nil dicit, shall avail himself of such Execution to the Prejudice of other Creditors, but shall be paid rateably with such Creditors.

Protected Transactions.

No Validity to null or fraudulent Matters.

CCCXXI. Nothing herein contained shall be deemed to give Validity to any Warrant of Attorney, Cognovit, or Consent to a Judge's Order, declared to be null and void; nor to give Validity to any Judgment entered up, under or by virtue of any such Warrant of Attorney or Consent, nor to any Extent executed or levied under or by virtue of any such Warrant of Attorney, Cognovit, or Consent; nor to give Validity to any Contract, Covenant, Dealing, or Transaction by way of voluntary or fraudulent Preference.

Registry of Judgment under 13 & 14 Vict. c. 29. ss. 6 & 7. not to give Priority unless, &c.

CCCXXII. No Judgment Creditor who, under the Provisions of an Act of Parliament passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Twenty-nine, Sections Six and Seven, shall, after the passing of this Act, have registered an Affidavit of his Judgment, shall be entitled thereby, in the Event of the Bankruptcy of the Person against whom such Judgment shall have been registered, to any Priority or Preference over Simple Contract Creditors, unless such Affidavit shall have been registered *Six* Months before the filing of the Petition for Adjudication, and unless such Judgment Creditor shall have entered into actual Possession of the Lands and Premises specified in such Affidavit, or the Rents and Profits thereof, prior to said Date.

Bonâ fide Purchases not to be impeached unless Petition filed within Six Months after Act of Bankruptcy.
6 & 7 W. 4. c. 14. s. 100.
7 & 8 Vict. c. 90. ss. 37, 38.
12 & 13 Vict. c. 106. s. 134.

CCCXXIII. No Purchase from any Bankrupt bonâ fide and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless a Petition of Bankruptcy shall have been filed within *Six* Months after such Act of Bankruptcy.

Warrants of Attorney, &c.

Certain Warrants of Attorney, Cognovits, and Consents, given within Two Months of filing Petition, to be null and void.
12 & 13 Vict. c. 106. s. 135.

CCCXXIV. Every Warrant of Attorney to confess Judgment in any personal Action given by any Bankrupt or Insolvent after the *Commencement of this Act*, and within *Two* Months of the filing of a Petition of Bankruptcy or Insolvency by or against such Bankrupt or Insolvent, and being (wholly or in part) for or in respect of an antecedent Debt or Money Demand, and every Cognovit actionem or Consent for Judgment given by any Bankrupt or Insolvent at any Time after *the Commencement of this Act*, and within *Two* Months of the filing of any such Petition in any Action commenced by Collusion with the Bankrupt or Insolvent, and not adversely, or purporting to have been given in an Action, but having been in fact given before the Commencement of any Action against the Bankrupt or Insolvent, such Bankrupt or Insolvent being unable to meet his Engagements at the

Warrants of Attorney, &c.

Time of giving such Warrant of Attorney, Cognovit actionem, or Consent, as the Case may be,) shall be deemed and taken to be null and void, whether the same shall have been given by such Bankrupt or Insolvent in contemplation of Bankruptcy or Insolvency or not.

Warrants of Attorney and Cognovits actionem to be void unless the same or a Copy thereof be filed, &c. within 21 days after the Execution thereof.
12 & 13 Vict. c. 106. s. 136.
3 & 4 Vict. c. 105.

CCCXXV. If after *the Commencement of this Act* any Warrant of Attorney to confess Judgment in any personal Action, or any Cognovit actionem in any personal Action, shall have been given by any Bankrupt or Insolvent, and such Warrant or Cognovit or a true Copy thereof, shall not have been filed with the proper Officer in the Courts at Dublin in which Judgment on such Warrant or Cognovit shall thereafter be entered up, within *Twenty-one* Days next after the Execution thereof, in Manner and Form provided by the Act passed in the Session of the Third and Fourth Years of the Reign of Her Majesty, Chapter 105, every such Warrant and Cognovit shall be deemed fraudulent, null, and void, to all Intents and Purposes whatsoever; and if any such Warrant or Cognovit which shall be so filed as aforesaid shall have been given subject to any Defeasance or Condition, such Defeasance or Condition shall be written on the same Paper or Parchment on which such Warrant or Cognovit shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Warrant or Cognovit shall be null and void to all Intents and Purposes whatever.

Pleas of Confession, Consents, &c. to be void unless filed within 21 Days, in like Manner with Warrants of Attorney and Cognovits Actionem.
12 & 13 Vict. c. 107. s. 111.
12 & 13 Vict. c. 106. s. 137.

CCCXXVI. After the *Commencement of this Act*, the Provisions of the said Act passed in the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter 105, with reference to the filing of Warrants of Attorney to confess Judgment, or Copies thereof, and the numbering, entering, and searching of the same, shall extend and be applicable to all Pleas of Confession and Cognovits actionem, and all Acknowledgments and Consents for Judgment, and Copies thereof respectively, in any Suit in any of the Superior Courts of Law in Ireland, and to the numbering, entering, and searching for the same; and if at any Time after *Twenty-one* Days next after the Execution or signing of any Plea of Confession, Cognovit actionem, Acknowledgment or Consent for Judgment, a Petition of Bankruptcy shall be filed by or against the Person, who, by himself or his Attorney, shall have given such Plea, Cognovit, Acknowledgment, or Consent for Judgment under which he shall be found and declared a Bankrupt, or if at any Time after said Period of *Twenty-one* Days a Petition of Insolvency shall be filed by or against such Person, and an Order made thereon, that such Insolvent should file his Schedule or be brought up to be dealt with under this Act, then, unless such Plea, Cognovit, Acknowledgment, or Consent for Judgment shall, within *Twenty-one* Days from the Execution or signing thereof

Warrants of Attorney, &c.

thereof, have been filed, pursuant to the Provisions of the same Act, or unless, within the same period, Judgment shall have been entered thereon, and registered according to the Provisions of the Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Ninety, such Plea of Confession, Cognovit, Acknowledgment, or Consent for Judgment, and the Judgment and Execution thereon, shall be deemed fraudulent and void against the Assignees in Bankruptcy or Insolvency, and such Assignees shall be entitled to recover, for the Benefit of his Estate, all Monies levied or Effects seized by virtue of any Execution on such Judgment.

Judgments not registered within Twenty-one Days of entering to be void. 12 & 13 Vict. c. 107. s. 113.

CCCXXVII. If at any Time after *Twenty-one* Days from the entering or signing of any Judgment whatsoever in any of the said Superior Courts (save and except Judgments entered upon or by virtue of Warrants of Attorney, Pleas of Confession, or Consents for Judgments, duly filed under the Provisions of this Act, or of the hereinbefore mentioned Act of the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and five,) a Petition of Bankruptcy shall be filed against or by the Person against whom such Judgment shall be entered or obtained, under which he shall be duly found and declared a Bankrupt, or if at any Time after said Period of *Twenty-one* Days a Petition of Insolvency shall be presented by or against such Person, then and in such Case, unless such Judgment shall have been duly registered, within *Twenty-one* Days from the entering or signing thereof, in the said Office of the Registrar of Judgments, such Judgment and any Execution thereon shall be deemed fraudulent and void against the Assignees under such Commission or Petition, and such Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt or Insolvent, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution.

Fee for Search. 12 & 13 Vict. c. 107. s. 112.

CCCXXVIII. There shall be payable to the Masters of the said Superior Courts a Fee of *One Shilling*, and no more, for each Search in respect of such Warrants of Attorney, Pleas of Confession, Cognovits, Acknowledgments, and Consents, whether some only or all of the Books shall be searched, and whether the Search shall be against One or more Persons.

Voluntary Preference fraudulent and void as against Assignees. 3 & 4 Vict. c. 107. s. 47.

CCCXXIX. If any such Prisoner shall, before or after his or her Imprisonment, being in insolvent Circumstances, voluntarily convey, assign, transfer, charge, deliver or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods, or Effects whatsoever to any Creditor, or to any Person or Persons in trust for or to or for the Use, Benefit, or Advantage

Warrants of Attorney, &c.

of any Creditor, every such Transaction shall be fraudulent and void as against the Assignees of such Prisoner under this Act: Provided always, that no such Transaction shall be so deemed fraudulent and void unless made by such Prisoner within *Three* Months before the Commencement of his Imprisonment, or with the View or Intention of petitioning the Court for his Discharge from Custody under this Act.

Warrant of Attorney and Cognovit actionem not to be acted upon against Goods of Insolvent after his Imprisonment. 3 & 4 Vict. c. 48.

CCCXXX. In all Cases where a Petition of Insolvency shall have been filed by or against any Prisoner, in case the said Prisoner shall have executed any Warrant of Attorney to confess Judgment, or shall have given any Cognovit actionem or Bill of Sale, whether for a valuable Consideration or otherwise, no Person shall, after the Commencement of the Imprisonment of such Prisoner, avail himself or herself of any Execution issued or to be issued upon any Judgment obtained or to be obtained upon such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, either by Seizure and Sale of the Property of such Prisoner or any Part thereof, or by Sale of such Property theretofore seized, or any Part thereof, but any Person to whom any Sum or Sums of Money shall be due in respect of any such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, shall and may be a Creditor or Creditors for the same under this Act.

Estates Tail.

Clauses in 4 & 5 W. 4. c. 92. with respect to the Disposition of Estates Tail under Bankruptcies, extended to Proceedings under Petition for Adjudication.

CCCXXXI. Such of the Clauses of an Act passed in the Fourth and Fifth Years of the Reign of King William the Fourth, intituled "An Act for the Abolition of Fines and Recoveries, and for the "Substitution of more simple Modes of Assurance in Ireland," as are numbered respectively in the Copies of that Act printed by Her Majesty's Printers Forty-eight, Forty-nine, Fifty, Fifty-one, Fifty-two, Fifty-three, Fifty-four, Fifty-five, Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty, and Sixty-one, shall extend and apply to Proceedings in Bankruptcy under a Petition of Bankruptcy, and to Proceedings in Insolvency under a Petition of Insolvency, as fully and effectually as if those Clauses were re-enacted in this Act.

Copyholds.

Court may make Sale of Copyhold Lands for the Benefit of Creditors. 6 & 7 W. 4. c. 14. s. 82. 12 & 13 Vict. c. 106. s. 209.

CCCXXXII. The Court shall have Power to sell, and by Deed indented, enrolled in the Courts of the Manor whereof the Lands respectively may be holden, to convey for the Benefit of the Creditors any Copyhold or Customaryhold Lands in England, Ireland, or elsewhere, or any Interest to which any Bankrupt or Insolvent is entitled therein, and thereby to entitle or authorize any Person to surrender the same for the Purpose of any Purchaser being admitted thereto.

CCCXXXIII. Every

Copyholds.

Vendees of Copyhold Lands shall compound with the Lord for their Fines.
6 & 7 W. 4. c. 14. s. 83.
12 & 13 Vict. c. 106. s. 210.

CCCXXXIII. Every Person to whom any such Conveyance of Copyhold or Customary Lands or Tenements, or of any such Interest therein, shall be made, shall, before he enter into or take any Profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden for such Fines, Dues, and other Services as theretofore have been usually paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon Request, the said Copy or Customary Lands or Tenements for such Estate or Interest as shall have been so conveyed to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

Arrangements under the Control of the Court.

Any Trader unable to fulfil his Engagements with his Creditors may petition the Court for Protection.
12 & 13 Vict. c. 107. ss. 90-107.
12 & 13 Vict. c. 106. ss. 211-223.

CCCXXXIV. Any such Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under the Control of the Court, and of submitting himself to the Jurisdiction of the Court in manner herein-after mentioned, may present a Petition to the Court setting forth the true Cause of such Inability, and praying that his Person and Property may be protected from Process until further Order; and the Court on such Petition shall have Power to grant such Protection, and may renew the same from Time to Time as it shall think fit, and if the Petitioner be in Prison or Custody for Debt may, except in the Cases next herein-after mentioned, order his Release, either absolutely or on Condition, and may take Bail for his Attendance at the several Sittings of the Court herein-after mentioned: Provided always, that the Court shall not order such Release where it shall appear that the Petitioner is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him for any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, or other malicious Proceeding: Provided also, that such Release shall in nowise affect any Rights of the Creditor against such Petitioner, except the Right of detaining him in Prison whilst protected from Imprisonment by Order of the Court: Every such Petition may be in the Form contained in the Schedule (T.) to this Act annexed or to the like Effect, and shall be filed in the Court, with an Affidavit in the Form contained in Schedule (M.) to this Act annexed or to the like Effect.

Petition to be supported by Affidavit.

Court to appoint private Sitting and Estate to be possessed by Official Assignee.

CCCXXXV. Forthwith after the granting of any Order for Protection, the Court shall appoint a private Sitting to be held at such Time as it may name, and upon sufficient Cause shown may, if it shall think fit, direct that the Estate and Effects of the Petitioner

Arrangement under the Control of the Court.

or any Part thereof shall be possessed and received by the Official Assignees or be taken possession of by the Messenger of the Court, and that all Stock, Monies, and other Effects of the Petitioner shall be transferred, delivered, and paid by the Official Assignees into the Bank of Ireland to the Credit of such Official Assignees, to be subject to the like Rules and Regulations as in Bankruptcy; and the Court shall have Power to examine on Oath such Petitioner or any Witness produced by him, or any Creditor or Person claiming to be a Creditor of such Petitioner, and to adjourn such private Sitting from Time to Time as it shall think fit; and Notice of such private Sitting shall be given to the Creditors at such Time and in such Manner as the Court shall by any General or Special Order, direct.

Petitioning Trader to file Account Ten Days before the Day appointed for private Sitting.

CCCXXXVI. Such Petitioning Trader shall, *Ten* Days before the Date appointed for the private Sitting, file in the Court, and in such Form as may by any Order to be made in pursuance of this Act be directed, a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property of what kind soever held in trust for him, and shall therein set forth such Proposal as he is able to make for the future Payment or the Compromise of such Debts or Engagements, and shall furnish the Official Assignees with a Copy of such Account.

At First Sitting Creditors to prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of 10*l.* and upwards assent to Proposal, Sitting for Confirmation be appointed.

CCCXXXVII. At such private Sitting, or at any Adjournment thereof, the Creditors shall prove their Debts, such Proofs to be in all respects as Proofs in Bankruptcy; and the Petitioning Trader shall attend and make Oath of the Truth of the Account filed by him, and may be examined thereon; and if at such Sitting or at any Adjournment thereof *Three Fifths* in Number and Value of the Creditors who have proved Debts to the Amount of *Ten Pounds* shall assent to the Proposal of such Petitioner or to any Modification thereof, the Court shall appoint another private Sitting for the Confirmation of such Proposal or modified Proposal; and such Second Sitting shall be held not earlier than *Fourteen* Days from the First Sitting, and Notice thereof in Writing shall be given to every Creditor who was not present by himself or his appointed Agent at such First Sitting, at such Time and in such Manner as the Court shall, by any General or Special Order, direct.

If at Second Sitting Three Fifths in Number

CCCXXXVIII. At such Second Sitting, or at any Adjournment thereof, the Creditors may also prove their Debts; and if *Three Fifths* in Number and Value of those who have proved Debts to the Amount of

Arrangements under the Control of the Court.

of *Ten Pounds* shall agree to accept such Proposal as was assented to at the First Sitting, the Terms thereof shall be reduced into Writing, *and the Creditors shall sign the same;* and such Resolution or Agreement, subject to such Confirmation as herein-after mentioned, shall thenceforth be binding and of full Force as well against such Petitioning Trader as against all Persons who were Creditors at the Date of his Petition, and who had Notice of the said several Sittings; and the Court, after hearing such Creditors, by themselves, their Counsel or Attornies, as may desire to be heard, either for or against such Resolution or Agreement, may approve and confirm the same and cause it to be filed and entered of Record, and grant to the Petitioner a Certificate therof, and may from Time to Time endorse on such Certificate a Protection from Arrest, and such Petitioner shall be free from Arrest at the Suit of any Person being a Creditor at the Date of his Petition, and having had such several Notice or Notices as aforesaid; and any Officer arresting such Petitioner at the Suit of any such Creditor, and on Sight of such Certificate and Protection not releasing such Petitioner, shall be liable to such Penalty as is provided respecting Bankrupts in the like Case.

and Value of the Creditors who have proved Debts to the Amount of 10*l.* and upwards agree to accept, Resolution to be binding on all, and Court may approve and confirm the same

Agent of Creditor may vote.

CCCXXXIX. Any Person duly authorized by Writing under the Hand of any Creditor who has proved a Debt to the Amount of *Ten Pounds* and upwards shall be entitled to vote on the Question of Assent or Dissent to the Proposal of such Petitioning Trader.

Estate to vest in Official Assignee either alone or (if required by Resolution) jointly with any other Person.

CCCXL. From and after the Date of the Approval and Confirmation of such Resolution or Agreement, all the Estate and Effects of such Petioning Trader shall vest in the Official Assignees (if such shall be required by virtue of such Resolution, and either alone or jointly with any Person or Persons, as may be expressed in such Resolution), as fully as if such Official Assignees and other Parties were Assignees under any Bankruptcy.

Official Assignee to file Account every Six Months.

CCCXLI. The Official Assignees shall, once at least in every *Six* Months, or oftener if the Court shall require it, produce to the Court, on Oath, a full and true Account of all Monies, Property, and Effects, of such Petitioning Trader which have come to their Hands, and of the Disposal thereof; and the Court shall examine the same, and shall certify the Result of such Examination, and if need be order Payment to the Creditors of such Petitioner according to the Terms of the Resolution or Agreement, and may in such Account make all just Allowances, and may order Payment to the Official Assignee of such Sum as a Remuneration for his Services as shall appear just and reasonable.

Arrangements under the Control of the Court.

If any Difficulty arise in the Execution of Resolution, &c. a special Sitting may be held.

CCCXLII. In case any Difficulty shall arise in the Execution of the said Resolution or Agreement, it shall be lawful for the Court to cause a special Sitting of the Court to be held; and the Resolution of the Majority in Number and Value of the Creditors at such Sitting who have proved Debts to the Amount of *Ten* Pounds, to confirm, alter, or annul the whole or any Part of such Resolution or Agreement shall be as valid as if it had been part of the original Resolution or Agreement: Provided, however, that if *One Third* in Number and Value of the Creditors of such Petitioning Trader do not attend such Sitting the Resolution thereof shall not be valid, unless the same is approved and confirmed by the Court.

When Resolution or Agreement has been carried into effect, Court to give Petitioning Debtor a Certificate thereof, and such Certificate to operate as a Certificate of Conformity.

CCCXLIII. So soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of such Petitioning Trader shall have been satisfied according to the Tenor thereof, the Court shall give to such Petitioner a Certificate under Seal of the Court, in the Form contained in the Schedule (U.) to this Act annexed or to the like Effect, and such Certificate shall thenceforth operate to all Intents and Purposes as fully as if the same were a Certificate of Conformity under a Bankruptcy.

If Petitioning Debtor do not attend Sittings of the Court, or if he do not file Account, &c., Petition to be dismissed; and if at First Sitting Proposal be not assented to, or if Debts contracted by Frauds, &c., or, if Petitioning Debtor has not made true Discovery, &c., Court may adjudge him bankrupt, and adjourn the Proceedings into the public Court, &c.

CCCXLIV. If such Petitioning Trader shall not duly attend the Sittings of the Court, or if he shall not file his Account in manner aforesaid within such extended Time as may be allowed him by the Court for such Purpose, or if he shall fail to obey any Order of the Court which may be made in the Matter of his Petition, such Petition may be dismissed; and if at the First Private Sitting of the Court or at any Adjournment thereof the Proposal of the Petitioner or some Modification thereof be not assented to or if at any Time after the filing of any Petition for Protection if it shall be shown that the Affidavit filed with his Petition was wilfully untrue so far as concerned the Assets ready to be produced by him, or that he has not made a full Disclosure of his Debts and Credits, Estate and Effects, and is not desirous of making a bonâ fide Arrangement with all his Creditors, or that his Proposal to that Effect is not reasonable and proper to be executed under the Direction of the Court, or if within *Three* Months of the Time of presenting his Petition he shall have assigned, transferred, or made away with any Portion of his Estate or Effects otherwise than in due Course, or shall have voluntarily done or suffered any Act whereby his Goods shall have been taken in Execution, it shall be lawful for the Court to adjudge such Petitioner a Bankrupt, and to adjourn all further Proceedings in the Matter into the public Court, and to advertise such Adjudication, and appoint Sittings for Choice of Assignees and for last Examination as in Bankruptcy; and such Petitioner shall thenceforth

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forth be amenable to the Jurisdiction of the Court in the same Manner as any other Bankrupt, and any Proposal which may have been made or assented to or confirmed shall be wholly and altogether void; and the Court shall have Power at any Time, on the Application of any Creditor, to appoint a private Sitting for the Purpose of Inquiry, and may summon before it such Petitioning Trader or any other Person, and examine him upon Oath touching such Matters; and every such Summons and Examination shall be enforced in such Manner as Summonses and Examinations are enforced in Matters of Bankruptcy.

Private Sittings.

CCCXLV. The Court may, if it think fit, from Time to Time direct that any Sitting of the Court or Proceeding in any Matter under this Act shall be private, and that any Part of the Proceedings shall not be open to Inspection without Special Order.

Questions of Law raised by Consent. 15 & 16 Vict. c. 76. s. 46. 16 & 17 Vict. c. 113. s. 92. 3 & 4 Vict. c. 105. s. 50.

CCCXLVI. In any Bankruptcy or Insolvency, the Parties concerned may, at any Stage of the Proceedings, by Consent, state any Question or Questions of Law in a Special Case for the Opinion of the Court.

Payment of Money by Party on Judgment being given.

CCCXLVII. The Parties may, if they think fit, agree that, upon the Judgment of the Court being given in the Affirmative or Negative of the Question or Questions of Law raised by such Special Case, a Sum of Money, fixed by the Parties, or to be ascertained by the Court or in such Manner as the Court may direct, shall be paid by one of such Parties to the other of them, either with or without Costs.

Evidence.

Officer of Court to produce Proceedings, and give Copies thereof. 12 & 13 Vict. c. 106. s. 233. 6 & 7 W. 4. c. 14. s. 109–111. 12 & 13 Vict. c. 107. s. 84. 3 & 4 Vict. c. 107. s. 94.

CCCXLVIII. The proper Officer of the Court shall, on the reasonable Request of any Bankrupt, Insolvent, or arranging Debtor, or of any Creditor of such Bankrupt or Insolvent having proved his Debt, or of any arranging Debtor when the Debt of the arranging Creditor has been admitted in the Petition or proved, or on the like Request of the Attorney of any such Bankrupt, Insolvent, Debtor, or Creditor, produce and show to such Bankrupt, Insolvent, Debtor, Creditor, or Attorney, at such Times as the Court shall direct, every Commission, Petition, Adjudication, and Petition for Arrangement against or by such Bankrupt or Insolvent, and all Orders and Proceedings under any such Commission, Petition, or Adjudication; and the Court shall order the Official Assignee or Officer of the Court, as the Case may be, to permit such Bankrupt, Insolvent, Debtor, Creditor, or Attorney to have Inspection at all reasonable Times of all Books, Papers, and Writings relating to the Matters of such Commission, Petition, or Adjudication, and the Estate of the Bankrupt, Insolvent, or Debtor,

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in the Possession of the Assignees, or filed in Court in such Matter, and permit him to inspect and examine the same; and such Official Assignee or such Officer shall provide, for any such Bankrupt, Insolvent, Debtor, Creditor, or Attorney requiring the same, any Office Copy of such Commission, Petition, or other Proceedings, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, and shall be entitled to receive, for providing and providing and attesting such Copy, *Twopence* for every Sheet therein, the said Sheets to contain Seventy-two Words and no more.

If Bankrupt do not dispute the Adjudication, the Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt and against Persons whom the Bankrupt might have sued.
12 & 13 Vict. c. 107. s. 26.
17 & 18 Vict. c. 119. s. 24.

CCCXLIX. If the Bankrupt shall not (if he were within the United Kingdom at the Date of the Adjudication) within *One* Month after the Advertisement of the Bankruptcy in the "Dublin Gazette," or (if he were in any other Part of Europe at the Date of the Adjudication) within *Three* Months after such Advertisement, or (if he were elsewhere at the Date of the Adjudication) within *Twelve* Months after such Advertisement have commenced a Suit to dismiss the Petition or to dispute or annul the Adjudication, and shall not have prosecuted the same with due Diligence and with Effect, the "Gazette" containing such Advertisement shall be conclusive Evidence in all Cases as against such Bankrupt, and in all Suits brought by the Assignees for any Debt or Demand for which such Bankrupt might have sustained any Suit that such Person so adjudged bankrupt became a Bankrupt before the Date and filing of the Petition for Adjudication.

In certain Actions by or against any Person acting under the Bankruptcy, no Proof required at the Trial of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given that those Matters are to be disputed.
6 & 7 W. 4. c. 14. s. 104.
12 & 13 Vict. c. 106. s. 234.

CCCL. In any Action at the Suit of or against the Assignees in Bankruptcy, or against any Person acting under the Warrant of the Court, for anything done under such Warrant, no Proof shall be required at the Trial of the Petitioning Creditor's Debt, or of the Trading, or Act of Bankruptcy respectively, unless the other Party in such Action shall, if Defendant at or before pleading, and if Plaintiff before or with Notice of Trial, give Notice in Writing to such Assignees or other Person that he intends to dispute some and which of such Matters; and in case such Notice shall have been given, if such Assignees or other Person shall prove the Matter so disputed, or the other Party admit the same, the Judge before whom the Cause shall be tried may (if he think fit) grant a Certificate of such Proof or Admission; and such Assignees or other Person shall be entitled to the Costs occasioned by such Notice.

The same in Suits in Equity.
6 & 7 W. 4. c. 14. s. 105.
12 & 13 Vict. c. 106. s. 235.

CCCLI. In all Suits in Equity, whether at the Suit of or against the Assignees in Bankruptcy, no Proof shall be required at the Hearing of the Petitioning Creditor's Debt, or of the Trading, or Act of Bankruptcy respectively, as against any of the Parties in such

Evidence.

such Suit, except such Parties as shall within *Ten* Days after the Commencement of the Suit give Notice in Writing to the Assignees of their Intention to dispute some and which of such Matters; and where such Notice shall have been given, if the Assignees shall prove the Matter so disputed, the Costs occasioned by such Notice shall if the Court see fit, be paid by the Parties so giving such Notice.

Proceedings purporting to be sealed with the Seal of the Court receivable in Evidence. 6 & 7 W. 4. c. 14. s. 114. 12 & 13 Vict. c. 106. s. 236. 8 & 9 Vict. c. 113. 3 & 4 Vict. c. 107. ss. 16. 94.

CCCLII. Every Petition of Bankruptcy, Petition of Insolvency, Schedule, Adjudication, Petition for Arrangement between a Debtor and his Creditors, Appointment of Assignees, Certificate, Deposition, Order, Document, or other Proceeding in Bankruptcy or Insolvency, or under any such Petition for Arrangement, appearing to be sealed with the Seal of the Court, or any Writing purporting to be a Copy of any such Document, and purporting to be so sealed, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever as Evidence of such Documents respectively, and of such Proceedings and Orders having respectively taken place or been made without any further Proof thereof: Provided always, that all Commissions of Bankrupt, Depositions, and other Proceedings under the same, which may have been entered of Record before the Commencement of this Act, and having the Certificate of Entry thereon, purporting to be signed by the Person appointed to enter the same by the Act of the Irish Parliament, Eleventh and Twelfth George the Third, Chapter Eight, and the Act Sixth and Seventh William the Fourth, Chapter Fourteen, or his Deputy, shall, without Proof of the Appointment or Handwriting of such Person, be received as Evidence of the same, and of the same having been duly entered of Record, and of such Proceedings having respectively taken place.

11 & 12 G. 3. c. 8. [I.] 6 & 7 W. 4. c. 14.

Judicial Notice to be taken of Signature of Judge or Registrar, and of the Seal of the Court. 12 & 13 Vict. c. 106. s. 237.

CCCLIII. All Courts, Judges, Justices, and Persons judicially acting, and other Officers, shall take judicial Notice of the Signature of any Judge or Registrar or Chief Clerk of the Court, and of the Seal of the Court, subscribed or attached to any judicial or official Proceeding or Document, to be made or signed under the Provisions of this Act.

Evidence of Declaration of Insolvency. 12 & 13 Vict. c. 106. s. 238.

CCCLIV. A Copy of a Declaration of Insolvency under this Act, purporting to be under the Seal of the Court, and to be certified by a Registrar of the Court as a true Copy, shall be received as Evidence of such Declaration, and of the same having been filed.

 CCCLV. A Copy

Evidence.

Advertisements when Evidence. 12 & 13 Vict. c. 106. s. 240.

CCCLV. A Copy of the "Dublin Gazette," and of any Newspaper containing any such Advertisement as is by this Act directed or authorized to be made therein respectively, shall be Evidence of any Matter therein contained, and of which Notice is by this Act directed or authorized to be given by such Advertisement.

On Death of Witness, Office Deposition or Copy thereof to be Evidence. 6 & 7 W. 4. c. 14. s. 113. 12 & 13 Vict. c. 106. s. 242.

CCCLVI. In the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, under any Bankruptcy heretofore or hereafter, or under any Petition for Arrangement, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court, or a Copy thereof, purporting to be so sealed, shall in all Cases be received as Evidence of the Matters therein respectively contained.

Before whom Affidavits are to be sworn. 12 & 13 Vict. c. 107. s. 69. 12 & 13 Vict. c. 106. s. 243.

CCCLVII. All Affidavits to be made or used in any Matter or Proceeding under this Act shall and may be sworn before the Court, or any Judge or Registrar thereof, or the Chief Clerk in Insolvency, or before a Master Extraordinary of the High Court of Chancery in Ireland, or before the Clerk of Affidavits, or any other Officer of the High Court of Chancery in Ireland authorized to take Affidavits, or, in England or Scotland, either before any Commissioner or other Person appointed by the Court of Chancery in Ireland for taking Affidavits, or having Authority to take Affidavits for said Court, or before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn, or elsewhere before a Magistrate, and attested by a Notary, or before a British Minister, Consul, or Vice-Consul; and every such Officer or other Person is hereby authorized and required to administer the Oath upon any such Affidavit.

Affidavits may be sworn in Prison before Visiting Justice or Keeper of Prison. 12 & 13 Vict. c. 106. s. 244.

CCCLVIII. Any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in Ireland, England, or Scotland, to be used in any Matter under this Act, may be sworn before the Visiting or other Justice, or before the principal Keeper or Gaoler of such Prisons or Gaols; and every such Keeper or Gaoler is hereby authorized and required to administer the Oath upon any such Affidavit.

No Fees payable for swearing Affidavits.

CCCLIX. No Fee or Reward whatever shall be taken or received by any Court or Magistrate, or any Inspector, Keeper, or Governor of any Gaol, for or in respect of the swearing of any Affidavit according to this Act.

Evidence may be taken vivâ voce or upon Affidavit. 6 & 7 W. 4. c. 14. s. 155. 12 & 13 Vict. c. 106. s. 245.

CCCLX. The Lord Chancellor or the Court may, in all Matters within their respective Jurisdictions, take the whole or any Part of the Evidence either vivâ voce on Oath, or by Interrogatories in Writing, or upon Affidavit.

CCCLXI. All

Evidence.

Forms of Rules and Proceedings of the Court. 3 & 4 Vict. c. 107. s. 96.

CCCLXI. All Rules, Orders, Warrants, and other Proceedings of the Court may be in such Form and contain such Particulars as the Court shall by any General Orders to be made from Time to Time direct, and the same shall not be invalidated by reason of any Want of Form or Omission therein.

Solicitors.

Every Solicitor of the High Court of Chancery, duly admitted as a Solicitor in the Court of Bankruptcy and Insolvency, may practise in the Court. 6 & 7 W. 4. c. 14. s. 16. 12 & 13 Vict. c. 106. s. 247.

CCCLXII. Every Attorney or Solicitor of any of the Superior Courts of Law or Equity in Dublin may appear, act in, and plead any Proceeding in the Court of Bankruptcy and Insolvency, without being required to employ Counsel; and in case any Person, not being such Attorney or Solicitor, shall practise in the Court as such, he shall be deemed guilty of a Contempt of Court, and be liable to all the Penalties incident thereto; and all Laws now in force concerning Attornies and Solicitors shall extend, so far as the same may be applicable, to Attornies and Solicitors practising before the Court as aforesaid.

Misconduct of Attorney or Solicitor

CCCLXIII. If any Attorney or Solicitor shall be guilty of any Misconduct, the Court may suspend or discontinue altogether his Right to practise in the Court.

Costs.

The Provisions and Powers given to Lord Chancellor, &c. in Bankruptcy under 3 & 4 Vict., c. 105., s. 27. to be applicable to this Act.

CCCLXIV. The Provisions in an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her Majesty, Chapter 105, so far as the same relate to Orders of the Lord Chancellor, or of the Court of Commissioners of Bankruptcy, therein referred to, in Matters of Bankruptcy, and the Powers given by the same Act to the Lord Chancellor, and the Master of the Rolls, and the Court of Commissioners of Bankruptcy, in Matters of Bankruptcy, shall extend to and be applicable to Orders of the Lord Chancellor, and of the Court, in Matters of Bankruptcy or Insolvency under this Act.

Court may in all Cases award Costs.

CCCLXV. The Court may in all Matters before it order such Costs as to such Court shall seem fit and just to be paid by any of the Parties, and may order that a Sum certain shall be paid as the full Amount of the Costs, without Taxation.

Offences against the Law of Bankruptcy, and Insolvency.

Bankrupt or Insolvent, not delivering up Books, &c., or removing, concealing, or embezzling Estate. 6 & 7 W. 4. c. 14. s. 130.

CCCLXVI. If any Person adjudged bankrupt shall not upon the Day limited for his Surrender, and before *Three* of the Clock of such Day, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing, to be served upon him personally, or left at his usual or last known Place of Abode or Business, or personal Notice in case such Person be then in Prison, and Notice given in the "Dublin Gazette" of the Adjudication and of the Sittings of the Court, (having no lawful Impediment

Offences against the Law of Bankruptcy, &c.

12 & 13 Vict. c. 107. s. 44.
12 & 13 Vict. c. 106. s. 251.

proved to the Satisfaction of, or allowed by the Court,) surrender himself to such Court, and sign or subscribe such Surrender, or if any such Bankrupt or Insolvent upon such Examination shall not discover all his Real and Personal Estate, and how and to whom, upon what Consideration, and when he disposed of, assigned, or transferred any of such Estate, or if any such Bankrupt or Insolvent shall not deliver up to the Assignees all such Part of such Estate, and all Books, Papers, and Writings relating thereunto as shall be in his Possession, Custody, or Power, (except the necessary Wearing Apparel of himself, Wife, and Children,) or if any such Bankrupt or Insolvent shall remove, conceal, or embezzle any Part of such Estate to the Value of *Ten Pounds* or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors, every such Bankrupt and Insolvent shall be deemed guilty of a Misdemeanor, and be liable to Imprisonment, with or without Hard Labour, for any Term not exceeding *Two* Years.

Persons wilfully omitting anything in the Schedule, guilty of a Misdemeanor, and liable to Two Years Imprisonment and Hard Labour.
3 & 4 Vict. 3. 107. s. 88.

CCCLXVII. In case any Bankrupt or Insolvent shall, with Intent to defraud his Creditors, willfully and fraudulently omit from his Schedule any Effects or Property whatsoever, or retain or except out of such Schedule, as Wearing Apparel, Bedding, Working Tools and Implements, or other Necessaries, Property of greater Value than *Twenty Pounds*, every such Person so offending shall be deemed guilty of a Misdemeanor, and be liable to be imprisoned for any Period of Time not exceeding *Two Years*, with or without Hard Labour.

Bankrupt or Insolvent destroying or falsifying Books, &c.
12 & 13 Vict. c. 107. s. 46.
12 & 13 Vict. c. 106. s. 252.

CCCLXVIII. If any Bankrupt shall, in contemplation of Bankruptcy, or with Intent to defeat the Object of the Law relating to Bankrupts, or if any Insolvent shall, in contemplation of Insolvency, or with Intent to defeat the Object of the Law relating to Insolvents, destroy, alter, mutilate, or falsify any of his Books, Papers, Writings, or Securities, or make or be privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, every such Bankrupt or Insolvent shall be deemed guilty of a Misdemeanor, and be liable to Imprisonment for any Term not exceeding *Two* Years, with or without Hard Labour.

Any Member of a Company, with Knowledge of or in contemplation of a Bankruptcy, destroying or falsifying Books, &c. of the Company, or making false Entries, &c. guilty of a Misdemeanor.

CCCLXIX. If any Person, being a Member of any Joint Stock Company which shall be adjudged bankrupt, shall, after and with Knowledge of an Act of Bankruptcy within the Meaning of this Act committed by such Company, or in contemplation of the Bankruptcy of such Company, have destroyed, altered, mutilated, or falsified any of the Books, Papers, Writings, or Securities of such Company, or made or been privy to the making of any false or fraudulent Entry in any

any Book of Account or other Document, with Intent to defraud the Creditors of such Company, or to defeat the Object of this Act, every such Person shall be deemed to be guilty of a Misdemeanor, and liable to be imprisoned for any Term not exceeding *Two* Years, with or without Labour.

Offences against the Law of Bankruptcy, &c.

8 & 9 Vict. c. 98. s. 28.

CCCLXX. If any Bankrupt or Insolvent shall within *Three* Months next preceding the filing of the Petition of Bankruptcy or Insolvency, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, obtain on Credit from any other Person any Goods or Chattels, with Intent to defraud the Owner thereof, or if any such Bankrupt or Insolvent shall, within such Time and with such Intent, remove, conceal, or dispose of any Goods or Chattels so obtained, knowing them to have been so obtained, every such Bankrupt or Insolvent shall be deemed guilty of a Misdemeanor, and on be liable to Imprisonment for any Term not exceeding *Two* Years, with or without Hard Labour.

Bankrupt or Insolvent within Three Months preceding his Bankruptcy or Insolvency obtaining Goods on Credit under false Pretence of dealing in the ordinary Course of Trade.
12 & 13 Vict. c. 107. s. 47.
12 & 13 Vict. c. 106. s. 253.

CCCLXXI. Any Person who shall upon any Examination upon Oath or Affirmation, or in any Affidavit or Deposition or Affirmation, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

False Evidence.
6 & 7 W. 4. c. 14. s. 117.
12 & 13 Vict. c. 107. s. 73.
12 & 13 Vict. c. 106. s. 254.
3 & 4 Vict. c. 107. s. 89.

CCCLXXII. If any Bankrupt or Insolvent shall be suspected of or charged with the Commission of any of the Offences herein-before specified, the Court may direct the Assignees to institute and carry on a Prosecution of such Bankrupt or Insolvent for such Offence, and to order that the Costs and Expenses to be incurred in such Prosecution shall be paid out of the Estate and Effects of such Bankrupt or Insolvent, and such Assignees shall thereupon institute and carry on such Prosecution accordingly.

Court may direct Prosecution.
12 & 13 Vict. c. 107. s. 53.
12 & 13 Vict. c. 106. s. 255.

CCCLXXIII. If any Person shall refuse to be sworn, or shall refuse to answer any lawful Question put by the Court, or shall not fully answer any such Question to the Satisfaction of the Court, or shall refuse to sign and subscribe his Examination when reduced into Writing (not having any lawful Objection allowed by the Court), or shall not produce any Books, Papers, Deeds, and Writings, or other Documents in his Custody or Power relating to any of the Matters under Inquiry which such Person is required by the Court to produce, and to the Production of which he shall not state any Objection allowed by the Court, it shall be lawful for the Court by Warrant to commit such Person to such Prison as such Court shall think fit, there to remain without Bail until he or she shall submit

Any Person refusing to be sworn, or refusing to answer, or not fully answering, or refusing to sign Examination, or to produce Books, &c., may be committed.
6 & 7 W. 4. c. 14. ss. 47. 49, 50.
12 & 13 Vict. c. 106. s. 260.

Offences against the Law of Bankruptcy, &c.

himself or herself to such Court to be sworn, and full Answers make to the Satisfaction of such Court to all such lawful Questions as shall be put, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings, and other Documents in his Custody or Power.

Warrant of Committal for unsatisfactory answering, or refusing to answer, need not specify Questions. 12 & 13 Vict. c. 107. s. 49.

CCCLXXIV. In any Warrant of Committal of any Person by the Court for refusing to answer any Question, or for not fully answering to the Satisfaction of the Court, or for refusing to subscribe his Examination, it shall not be necessary to set forth or specify any such Questions, nor any Part of the Examination of the Person so committed, but it shall be sufficient to refer in the said Warrant to the Examination or Deposition of the Person as remaining on the File of Proceedings, and to specify in said Warrant the precise Date of the Examination or Deposition so referred to; provided, however, that in every Case in which any Person shall be so committed for refusing to answer, or for not fully answering any Question put to him, every such Question shall be specified in the Examination or Deposition of the Person committed remaining on the File of Proceedings, and so referred to as aforesaid; and provided also, that a Copy of the said Examination or Deposition so referred to shall be delivered personally to the Person committed within *Twenty-four* Hours next after his actual Committal to Prison; and in default of said Copy being delivered the Person committed shall be discharged from Custody, either by the Court, or by the Judge before whom such Person may be brought by Habeas Corpus, with such Costs, if any, as said Court or Judge may deem just; and save as herein above provided, no Person shall be discharged from such Custody for mere Matter of Form, but upon the Merits only.

Copy of the Examination to be furnished to the Person committed

Form of Warrant.

CCCLXXV. Every Warrant for unsatisfactory answering may be in the Form or to the Effect in Schedule (V.) to this Act annexed, or to the like Effect; and every Warrant for refusing to answer, or for being guilty of any Riot or Disturbance in the Court, or for interrupting the Court in the Exercise of its Duty, may be respectively in the Forms or to the Effect in Schedules (W.) and (X.) respectively, or to the like Effect.

On Habeas Corpus, Judge or Court may inspect the whole Examination.

CCCLXXVI. If any Person so committed for unsatisfactory answering shall sue forth any Writ of Habeas Corpus in order to be discharged from such Commitment, it shall be lawful for the Court or Judge before whom such Person shall be brought to inspect and consider the whole of the Examination or Deposition of such Person so referred to as aforesaid; and if it shall appear from the whole Examination that the Answer or Answers of the Person committed is or are satisfactory

satisfactory, such Court or Judge shall and may order the Person so committed to be discharged.

Offences against the Law of Bankruptcy, &c.

CCCLXXVII. If any Person shall knowingly and wilfully resist, hinder, or obstruct any Messenger of the Court in the Execution of his Duty as such Messenger, every such Person so offending shall be deemed guilty of a Misdemeanor, and, being thereof duly convicted, shall be liable to Imprisonment, with or without Hard Labour, for any Term not exceeding *Six Months*.

Obstructing the Messenger, &c. a Misdemeanor. 12 & 13 Vict. c. 107. s. 50.

CCCLXXVIII. If any Assignee shall retain in his Hands or empty for his own Benefit, or knowingly permit any Co-assignee so to retain or employ any Sum to the Amount of more than *One hundred Pounds*, Part of the Estate of any Bankrupt or Insolvent, or shall neglect to invest any Money in the Purchase of Exchequer Bills or in the Public Funds, when directed by the Court, every such Assignee shall be liable to be charged in his Account with such Sum as shall be equal to Interest at the Rate of *Twenty* per Centum per Annum on all such Money for the Time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed, or during which he shall so have neglected to invest the same, and the Court is hereby required to charge every such Assignee in his Account accordingly.

Assignee disobeying Direction to pay or invest Money, and retaining it, or permitting Co-assignee to retain or employ it, to be charged with 20 per Cent. 6 & 7 W. 4. c. 14. s. 122. 12 & 13 Vict. c. 106. s. 265.

CCCLXXIX. If any Person shall disobey any Order of the Court, duly made, for enforcing any of the Purposes and Provisions of this Act, or of any other Act hereafter to be in force relating to the Subject Matters of this Act, the Court may, by Warrant in the Form contained in Schedule (Y.) to this Act annexed, or to the like Effect, commit the Person so offending to Common Gaol of any County, City, or Place where he shall be found, or where he shall usually reside, there to remain without Bail or Mainprise until such Court or the Lord Chancellor shall make Order to the contrary.

Persons disobeying any Order of Court to be committed to Prison until they conform, or the Court or the Lord Chancellor shall otherwise order. 12 & 13 Vict. c. 106. s. 266. 6 W. 4. c. 14. s. 158.

CCCLXXX. If any Petitioning Creditor shall after the Bankruptcy receive any Money, Satisfaction, or Security for his Debt or any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debts than the other Creditors, such Petitioning Creditor shall forfeit his whole Debt, and shall also repay or deliver up such Money, Satisfaction, or Security, or the full Value thereof, to the Assignee or Assignees of such Bankrupt, for the Benefit of the Creditors of the Bankrupt.

Petitioning Creditor compounding with Trader after Bankruptcy. 6 & 7 W. 4. c. 14. s. 224. 12 & 13 Vict. c. 106. s. 268.

CCCLXXXI. Any Person who shall wilfully conceal any Real or Personal Estate of any Bankrupt or Insolvent, and who shall not within

Concealing Bankrupt's or Insolvent's Effects.

Offences against the Law of Bankruptcy, &c.

6 & 7 W. 4. c. 14. s. 139.
12 & 13 Vict. c. 106. s. 269.

within *Forty-two* Days after the filing of the Petition of Bankruptcy or Insolvency discover such Estate to the Court or to the Assignees, shall forfeit the Sum of *One hundred Pounds* and *Double* the Value of the Estate so concealed.

Obtaining Money, &c. as Inducement to forbear Opposition or Consent to Certificate or Discharge.
6 & 7 W. 4. c. 14. s. 143.
12 & 13 Vict. c. 107. s. 58.
12 & 13 Vict. c. 106. s. 270.

CCCLXXXII. If any Creditor of a Bankrupt or Insolvent shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose or for consenting to the Allowance of the Certificate of such Bankrupt or Discharge of such Insolvent, every such Creditor so offending shall forfeit and lose for every such Offence the *Treble* Value or Amount of such Money, Goods, Chattels, or Security so obtained.

Officers, &c. taking Fees improperly.
6 & 7 W. 4. c. 14. s. 157.
12 & 13 Vict. c. 106. s. 271.

CCCLXXXIII. If any Judge, Registrar, Clerk, Messenger, Assignee, or any other Officer or Person whatsoever, shall, for anything done or pretended to be done under this Act, or under colour of doing anything under this Act, fraudulently and wilfully demand or take, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, or in trust for him, or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money or any Thing of Value whatsoever, other than is allowed by this Act or any such other Act as aforesaid, such Person, when duly convicted thereof, shall forfeit and pay the Sum of *Five hundred Pounds*, and be rendered incapable and is hereby rendered incapable of holding any Office or Place under Her Majesty.

Inserting Advertisements without Authority.
12 & 13 Vict. c. 106. s. 272.

CCCLXXXIV. Any Person who shall wilfully insert or cause to be inserted in the Dublin Gazette, or in any Newspaper, any Advertisement under this Act, without Authority, or knowing the same to be false in any material Particular, shall be guilty of a Misdemeanor.

Forging Signature of Judge or Officer, or the Seal of Court.
12 & 13 Vict. c. 106. s. 273.

CCCLXXXV. If any Person shall forge the Signature of any Judge or Registrar, or other Officer of the Court, or shall forge or counterfeit the Seal of the Court, or knowingly concur in using any such forged or counterfeit Signature or Seal, for the Purpose of authenticating any Proceeding or Document, or shall tender in Evidence any such Proceeding or Document with a false or counterfeit Signature of any such Judge, Registrar, or other Officer, or a false or counterfeit Seal of the Court, subscribed or attached thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act to facilitate the Admission in Evidence "of certain official and other Documents."

CCCLXXXVI. If

Offences against the Law of Bankruptcy, &c.

CCCLXXXVI. If any Gaoler to whose Custody any Bankrupt, Insolvent, or other Person shall be duly committed, shall refuse to receive such Bankrupt or Insolvent or other Person, or shall suffer him to escape, every such Gaoler shall forfeit *Five hundred Pounds.*

Gaoler suffering Persons committed to escape.
12 & 13 Vict. c. 100. s. 274. c. 107. s. 5.

CCCLXXXVII. All Sums of Money forfeited under this Act may be sued for by the Assignees of the Estate and Effects of any Bankrupt or Insolvent connected therewith or interested therein, in any of Her Majesty's Superior Courts of Record; and such Sums of Money, when recovered, shall be added to and form Part of the Estate.

Application of Forfeitures.
6 & 7 W. 4. c. 14. s. 118.
12 & 13 Vict. c. 106. s. 275.

Fees and Stamp Duties.

CCCLXXXVIII. Every Document enumerated in the Schedule (Z.) to this Act annexed shall, after the Commencement of this Act, be printed or written upon Vellum, Parchment, or Paper, bearing the Stamp Duty set opposite to such Document in such Schedule: Where any such Document shall consist of more than One Sheet, only the First Sheet shall be impressed with the Stamp: No Fees, or Stamp Duties other than those authorized by the Act, shall be payable in respect of any Affidavit, Certificate, Bond, Motion, or Proceeding in Bankruptcy or Insolvency, or under this Act.

Stamps in lieu of Fees.
6 & 7 W. 4. c. 14. ss. 5. 8. 11.
12 & 13 Vict. c. 107. s. 116.
12 & 13 Vict. c. 106. s. 48.
No Fees to be payable other than as directed by this Act.

CCCLXXXIX. The Commissioners of Inland Revenue shall give Directions for carrying into effect the Provisions of this Act with respect to Stamp Duties in lieu of Fees, and shall cause separate and distinct Accounts to be kept of all Sums of Money received by them under the Provisions of this Act, and of all Costs, Charges, and Expenses incurred by them or by their Order in carrying the same into effect.

Commissioners of Inland Revenue to give the necessary Directions.
12 & 13 Vict. c. 106. s. 49.

CCCXC. The Commissioners of Inland Revenue may appoint any Persons to sell and distribute such Stamps, and allow them such Discount or Poundage as may by any General Rule be directed; and the Commissioners may by any such General Rule make Regulation for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled, or rendered useless, or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which, through Mistake or Inadvertence, may have been improperly or unnecessarily used; and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage allowed on the Sale of Stamps of the like kind.

Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps.
12 & 13 Vict. c. 106. s. 50.

CCCXCI. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management

Provisions of former Acts relating to Stamps to

Fees and Stamp Duties.

be applied to the Stamps to be provided under this Act. 12 & 13 Vict. c. 106. s. 51.

ment of the Commissioners of Inland Revenue shall (so far as the same are applicable, and consistent with the Provisions of this Act,) in all Cases not hereby expressly provided for be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment or Paper on which the same shall be impressed, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

Aliens and Denizens. 12 & 13 Vict. c. 107. s. 117.

CCCXCII. This Act shall extend to Aliens and Denizens, both to make them subject thereto and to entitle them to all the Benefits given thereby.

Extension of Act,

CCCXCIII. This Act shall not extend to either England or Scotland, except where the same are expressly mentioned.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Acts and Parts of Acts repealed.

Date of Act.	Title.	Extent of Repeal.
1 & 2 G. 4. c. 40. -	An Act to repeal so much of an Act made in the Parliament of Ireland in the Eleventh and Twelfth Years of the Reign of King George the Third, for preventing Frauds committed by Bankrupts, as inflicts Capital Punishment on certain Offences therein specified; and to provide more suitable and effectual Punishment for such Offences.	The whole.
6 W. 4. c. 14. -	An Act to amend the Laws relating to Bankrupts in Ireland.	The whole.
6 & 7 W. 4. c. 74. -	An Act to abolish certain Offices connected with the Court of Chancery in Ireland, and to provide for the Performance of the Duties thereof.	Clause XXXIV. in the Copy printed by Her Majesty's Printers.
1 Vict. c. 48. - -	An Act to appoint a second Commissioner of Bankrupts in Ireland, and to amend an Act passed in the 6th and 7th Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend the Laws relating to Bankrupts in Ireland."	The whole.
2 & 3 Vict. c. 86. -	An Act to amend an Act passed in the Sessions holden in the Sixth Year of His late Majesty King William the Fourth, for amending the Laws relating to Bankrupts in Ireland.	The whole.
3 & 4 Vict. c. 105. -	An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice in Ireland.	Clause VIII. in the Copy printed by Her Majesty's Printers.
3 & 4 Vict. c. 107. -	An Act to continue and amend the Laws for the Relief of Insolvent Debtors in Ireland.	The whole.
4 & 5 Vict. c. 47.	- - - - - - - -	The whole.
5 & 6 Vict. c. 95. -	An Act for consolidating the Four Courts Marshalsea, Dublin, and the City Marshalsea, Dublin, and for regulating the Four Courts Marshalsea in Ireland.	Clauses VII. and VIII. in the Copy printed by Her Majesty's Printers.

Date of Act.	Title.	Extent of Repeal.
7 & 8 Vict. c. 90. -	An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy, and for providing One Office for the registering of all Judgments in Ireland; and for amending the Laws in Ireland respecting Bankrupts and the Limitation of Actions.	Clauses XXXVI., XXXVII., and XXXVIII. in the Copy printed by Her Majesty's Printers.
8 & 9 Vict. c. 48. -	An Act to substitute a Declaration for an Oath in Cases of Bankruptcy.	So far as relates to Ireland.
8 & 9 Vict. c. 98.	An Act for facilitating the winding up the Affairs of Joint Stock Companies in Ireland unable to meet their pecuniary Engagements.	The whole, save Clause XXIX. in the Copy printed by Her Majesty's Printers.
10 & 11 Vict. c. 85.	An Act for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office.	Clause XI. in the Copy printed by Her Majesty's Printers.
12 & 13 Vict. c. 107.	An Act for the Amendment of the Law of Bankruptcy in Ireland.	The whole.
14 & 15 Vict. c. 57.	An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors.	Clause XIX. in the Copy printed by Her Majesty's Printers.

SCHEDULE (B.)

The Irish Bankrupt and Insolvent Act, 1856.

RETURN by One of the Official Assignees of the Court of Bankruptcy and Insolvency in Ireland, showing the State of every Bankruptcy and Insolvency under his Charge, for the Year ending on the 31st Day of December 18 .

	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.
A.	Name of Bankrupt.	Gross Amount of Debts and Liabilities stated in the Balance Sheet.	Net Amount of Debts proved.	Gross Amount of Assets in Balance Sheet.	Total Amount of Assets collected.	Total Amount paid in Dividends.	Average Rate per Cent. on the Debts proved.	Total Amount of Charges (exclusive of the Allowances to the Official Assignee).	Total Amount of Allowances paid to the Official Assignee.	Total Amount of Allowances to Official Assignees for Petty Expenses.	Average Rate per Cent. on Monies collected by Official Assignees.	Balance in Bank of Ireland to the Credit of the Estate.	Balance in Hands of Official Assignee.	Particulars of Certificates granted, refused, and suspended (distinguishing the Result of each Bankruptcy).	Cause of Failure as shown by Books and Accounts.	Bankruptcies and Insolvencies in which final Dividends have been declared, and the Estates wound up, between the 1st January and 31st December 18 , inclusive.	Certificates allowed.	Insolvents discharged.
B.	Name of Insolvent.																	

SCHEDULE (C.)
No. 1.

[In Bankruptcy.]

Declaration of Insolvency by Trader.

I, the undersigned *E.F.* of do hereby declare, That I am unable to meet my Engagements with my Creditors.

Dated at the Hour of o'Clock [in the Forenoon, *or* at Noon, *or* in the Afternoon, *as the Case may be*], this Day of in the Year of our Lord

Witness, (Signed) *E.F.*
G.H., Attorney of the Court.

SCHEDULE (C.)
No. 2.

Declaration of Insolvency by Joint Stock Company.

By virtue of a Resolution duly passed in that Behalf on the Day of at a Board of Directors of [*here state the Name or Style of the Company*], duly summoned for that Purpose, it is hereby declared, that the said Company [*or* Society, *&c., as the Case may be,*] is unable to meet its Engagements.

Dated this Day of in the Year

[*Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.*]

Witness *O.H.*, Attorney [*or* Solicitor] of the Court of and Attorney [*or* Solicitor] of the said Company, and attesting Witness to the Execution hereof as such Attorney [*or* Solicitor].

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SCHEDULE (D.)

[In Bankruptcy.]

Writ of Summons and Plaint to be served on a Member of Parliament in order to enforce the Provisions of "The Irish Bankrupt and Insolvent Act, 1856."

VICTORIA, &c.

To *C.D.* of, *&c. &c.* Esquire, having Privilege of Parliament, greeting:

and you are hereby informed that an Affidavit of Debt for the Sum of hath been filed in the proper Office, according to the Provisions of "The Irish Bankrupt and Insolvent Act, 1856," and that unless you pay, secure, or compound for the Debt sought to be recovered in this Action, or enter into such Bond as by the said Act is provided, and cause an Appearance and Defence to be filed for you within Twenty-one Days next after such Service hereof, you will be deemed to have committed an Act of Bankruptcy from the Time of the Service hereof.

Witness at Dublin, the Day of

This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards, and is to be endorsed with the Name of the Plaintiff or his Attorney, in manner following; that is to say,

This Writ was issued by *E.F.* of Attorney for the Plaintiff [*or* Plaintiffs] within named.

or

This Writ was issued in Person by the Plaintiff within named who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be.*]

SCHEDULE (E.)

[In Bankruptcy.]

Affidavit for summoning a Trader Debtor.

A.B. of and *C.D.* of severally make Oath and say, and first this Deponent *A.B.* for himself saith, That *E.F.* is justly and truly indebted to this Deponent in the Sum of [*the Amount of the Debt*] for, *&c.* [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Law of Bankruptcy, and resides at and that an Account in Writing of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of [*the Amount of the Debt*], with a Notice thereunder written in the Form prescribed by "The Irish Bankrupt and Insolvent Act, 1856," requiring immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did on the Day of instant [*or last*] personally [*or otherwise, according to the Fact,*] serve the said *E.F.* with a true Copy of the said Account and Notice.

SCHEDULE (F.)

[In Bankruptcy.]

Particulars of Demand, and Notice requiring Payment.

To *E.F.* of

The following are the Particulars of the Demand of the undersigned *A.B.* of against you the said *E.F.*, amounting to the Sum of [*the Amount of the Debt. Then copy the Account*].

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of

Dated this Day of in the Year of our Lord

SCHEDULE (G.)

[In Bankruptcy.]

Summons of Trader Debtor.

These are to will and require you to whom this Summons is directed personally to be and appear before the Court of Bankruptcy and Insolvency in the City of Dublin on the Day of at o'Clock; and you are hereby informed that the Purpose for which you are thus summoned to appear before the said Court is to ascertain, in Manner and Form prescribed by "The Irish Bankrupt and Insolvent Act, 1856," whether or not you admit the Demand of *A.B.* of (who claims of you the Sum of [*state the Amount*] for a Debt), or any and what Part thereof; or whether you verily believe that you have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; and hereof you are not to fail at your Peril.

Given under my Hand, the Day of in the Year of our Lord (Signed) *C.D.* Judge.

SCHE-

SCHEDULE (H.)

[In Bankruptcy.]

Admission of Debt by Trader Debtor.

Court of Bankruptcy and Insolvency, Dublin,
Day of A.D.

Whereas I, the under-signed *E.F.* of am summoned to appear before this Court for the Purpose of stating whether or not I admit the Demand of *A.B.* of (who claims of me the said *E.F.* the Sum of [*the Amount*] for a Debt), or any and what Part thereof; or whether I verily believe that I have a good Defence upon the Merits to the said Demand, or to any and what Part thereof: Be it known, that I the said *E.F.* hereby confess that I am indebted to the said *A.B.* in the said Sum of [*or* in Part of the said Sum of that is to say, in the Sum of].

(Signed) *E.F.*

SCHEDULE (I.)

[In Bankruptcy.]

Deposition by Trader Debtor that he has good Answer to Creditor's Demand or some Part thereof.

Court of Bankruptcy and Insolvency, Dublin,
Day of A.D.

E.F. being sworn on the Day and Year and at the Place aforesaid, upon his Oath saith, that he verily believes he has a good Defence upon the Merits to the Demand [*or* to Part of the Demand] herein-after mentioned of *A.B.* of who claims of the said *E.F.* the Sum of for a Debt alleged to be due and owing from the said *E.F.* to the said *A.B.*, as stated in the Affidavit of the said *A.B.* filed in this Court, and bearing Date the Day of

(Signed) *E.F.*

Sworn before me,
J.K. Judge.

SCHEDULE (J.)

Form of Bond to pay admitted Demand.

Know all Men by these Presents, that we, *A.B.*, *C.D.*, and *E.F.*, are jointly and severally held and firmly bound to *E.F.*, in the Sum of of lawful Money of Great Britain, to be paid to him, his Executors, Administrators, or Assigns, for which Payment to be well and truly made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this Day of in the Year of our Lord 18 .

(L.S.)
(L.S.)
(L.S.)

Whereas the said *A.B.*, after being duly summoned to appear in Her Majesty's Court of Bankruptcy and Insolvency in Ireland, for the Purpose of stating whether or not he admits a certain Demand of the said *E.F.*, amounting to the Sum of or any and what Part thereof, or whether he verily believes that he hath a good Defence upon the Merits to the said Demand, or to any and what Part thereof, hath deposed upon Oath [*or* Affirmation, *as the Case may be*,] that he verily believes that he, the said *A.B.*, hath a good Defence upon the Merits to the said Demand [*or* to Part of the said Demand]: * And whereas an Action, wherein the said *E.F.* is Plaintiff and the said *A.B.* is Defendant, is now depending in [*name the Court in which the Action is depending*] for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may be*]: Now therefore the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand, well and truly pay to the said *E.F.*, or his Attorney or Agent, such Sum as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in such Action, this Obligation shall be void and of no Effect, but otherwise shall be and remain in full force and virtue [*or, if an Action has not been already brought, insert, instead of the Paragraph following the *, these Words:* Now therefore the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand, well and truly pay or cause to be paid to the said *E.F.*, his Attorney or Agent, such Sum or Sums as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in any Action which shall hereafter be brought for the Recovery of the said Demand, [*or* last-mentioned Sum, *as the Case may require*,] this Obligation shall be void and of no effect, but otherwise shall be and remain in full force and virtue.]

SCHEDULE (K.)

[In Bankruptcy.]

Admission of Debt by Trader Debtor signed out of Court.

I, the under-signed *E.F.*, of do hereby confess that I am indebted to *A.B.* of in the Sum of

(Signed) *E.F.*

Dated this Day of A.D.

Witness,

G.H., Attorney for the said *E.F.*, and subscribing Witness to the Execution hereof as such Attorney.

SCHEDULE (L.)

[In Bankruptcy.]

Petition of Bankruptcy by a Creditor.

To the Court of Bankruptcy and Insolvency.

The humble Petition of

Showeth,

That being a Trader, is indebted unto your Petitioner in the Sum of

and that your Petitioner has been informed and believes that the said did lately commit an Act of Bankruptcy within the true Intent and Meaning of the Law of Bankruptcy.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against the said . And your Petitioner shall ever pray, &c.

Signed by the Petitioner, on the Day of 18 ,

in the Presence of Solicitor in the Matter of this Petition.

If the Petition be by Partners, alter the Form accordingly, and let it be signed by One on behalf of himself and Partners. If the Petition be by several not being Partners, then it must be signed by each, and in such Case the Names of the several Petitioners should be stated in the Attestation or Attestations relating thereto respectively.

If the Petition be against Partners alter the Form accordingly.

SCHEDULE (M.)

[In Bankruptcy.]

Affidavit of Truth of Allegations in Petition.

Day of A.D.

of in the of the Petitioner named in the Petition hereunto annexed, maketh Oath and saith that the several Allegations in the said Petition are true.

Sworn at this Day of 18 , before me

If the Petitioner affirm alter the Form accordingly.

SCHEDULE (N.)

[In Bankruptcy.]

Petition by a Trader for Adjudication of Bankruptcy against himself.

To the Court of Bankruptcy and Insolvency.

The humble Petition of

Showeth,

That your Petitioner, being a Trader within the Meaning of the Law of Bankruptcy, and being unable to meet his Engagements with his Creditors, has filed a Declaration of Insolvency in Manner and Form in that Case made and provided, and that your Petitioner verily believes that he can make it appear to the Satisfaction of the Court that his available Estate is sufficient to produce the Sum of Fifty Pounds at the least.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against him.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the Day of 18 , in the Presence of Solicitor in the Matter of this Petition.

If the Petition be by Partners alter the Form accordingly, and state the Names of the several Petitioners in the Attestation or Attestations relating thereto respectively.

SCHEDULE (O.)

Court of Bankruptcy and Insolvency.

Certificate of Conformity.

In the Matter of *A.B.* of a Bankrupt.

Whereas the said *A.B.*, of was on the Day of duly adjudged and declared a Bankrupt, and the said Bankrupt did, on the Day of last, finish his Examination, and upon such Examination made a full Disclosure and Discovery of his Estate and Effects, and in all things conformed, and, so far as the Court can judge, there doth not appear any Reason to question the Truth or Fulness of such Discovery: Now this is to certify, that on the Day of in the Year of our Lord One thousand eight hundred and at the Court of Bankruptcy and Insolvency in Dublin, at a public Sitting held for the Allowance of this Certificate to the said Bankrupt (whereof and of the Purport whereof the Notice required in that Behalf was duly given); and having regard to the Conformity of the said Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, the Court did then and there find the said Bankrupt entitled to such Certificate, and did allow the same.

Given under the Seal of the Court, at the Court of Bankruptcy and Insolvency in Ireland, this Day of in the Year of our Lord One thousand eight hundred and

Signed and sealed in the Presence of

A.B. (L.S.)
Judge.

SCHEDULE (P.)

[In Insolvency.]

To the Court of Bankruptcy and Insolvency.

Petition of Insolvency.

The humble Petition of late of in the C of previous of formerly of

State the recent Residences, Trades, &c. very accurately; but it need not always be so for the Schedule.

Showeth,

That your Petitioner is now a Prisoner for Debt in the in the of and is there detained at the Suit of for the Sum of and that your Petitioner was first arrested in the said Suit at in the of on the Day of One thousand eight hundred and fifty and was committed to the said on the Day of One thousand eight hundred and fifty

If the Prisoner was bailed or first committed to another Prison and removed by Habeas corpus or otherwise the Fact must be here stated.

If more Detainers make fresh Statement as to each according to Facts.

and that your Petitioner is willing that all h Real and Personal Estate and Effects shall be vested in the Official Assignees of the Court; your Petitioner therefore humbly prays your Honourable Court, that he may be discharged from Custody and have future Liberty of h Person against the Demands for which h is now in Custody, and against the Demands of all other Persons who are or claim to be Creditors of your Petitioner, according to the Provisions of the Statute in that Behalf.

And your Petitioner will ever pray, &c.

Subscribed by the said Prisoner on the Day of 185
in the Presence of

Form of Retainer and Acceptance to be endorsed on Petition of Insolvency.

Court of Bankruptcy and Insolvency.

I of do hereby retain Mr. of to act for me as my Attorney in the said Court, and I hereby declare that he is so employed by me at my Request.

Signed by me at on this Day of 185 .

Witness,

I of an Attorney duly admitted to practise on behalf of Prisoners in actual Custody, do hereby accept the above Retainer.

Signed by me, this Day of 185 .

Form of Prison Certificate.

Certificate of Governor of Gaol.

Plaintiff. } Committed to the Custody of the Governor of
Defendant. } Gaol, by the High Sheriff of the C under and by virtue of a on the Day of 185 .

Debt and Costs £

Attorney for the Plaintiff.

_____ } Detainers.
_____
_____

I hereby certify, that the Defendant still remains in Custody at this Date, under and by virtue of the above
And I do hereby further certify, that there is no other Detainer against the said Defendant.

Signed by me this Day of 185 .

Governor.

[In Insolvency.]

In the Court of Bankruptcy and Insolvency.

In the Matter of committed to the Gaol of in the C of on the Day of 185 , at the Suit of for the Sum of £

INSTRUCTIONS.—This Account is to begin at or before the Time when the earliest Debt in the Schedule was contracted by the Insolvent: if he has at any Time been bankrupt, or petitioned under an Insolvent Act, it must be stated whether any Debts due under such Bankruptcy or Insolvency are still unpaid. (See below.)

This my Account begins in or about* the Month of 18 , the earliest Debt in my Schedule (No.) was contracted by me in the Year 18 . [Fill up the Blanks.]

GENERAL BALANCE SHEET.

Dates.	*Dr.*	£	*s.*	*d.*	Dates.	*Cr.*	£.	*s.*	*d.*
	Capital at the Time aforesaid*, consisting of - -					Good Debts, as in Schedule -			
	Aggregate Amount of Debts, as in Schedule					Bad - -			
	Deduct 1, those for which I have received no Consideration - -					Doubtful - -			
	2, in respect of Debts more than once entered - -					Amount of Debts owing to me			
	Amount of Debts contracted since the Time aforesaid* for which I have received Consideration - - -					Rent for Years, at £ a Year - - -			
	Profits of Business in each Year, viz.: - -					Taxes for Years, at £ -			
						Servants' Wages for Years, at £ - - -			
						Other Household Expenses for Years, at £ - -			
						Special Expenses, Disbursements, and Losses, viz.:			
						Property mentioned in Schedule, pp. 6 and 7 -			
						Money in possession when I was taken into Custody.			
						Excepted Articles - -			
						Difference between Values and Cost Price - -			
						DEFICIENCY - -			
	VALUE to be accounted for £					£			

*Here enter all Monies received by Annuities, Dividends, or otherwise, also all Property had by Purchase, Gift, Devise, Bequest, &c. since the Time aforesaid.

The Cause of my present Insolvency is

If never Bankrupt [or Insolvent,] write "never." } I was Bankrupt and Debts still unpaid are about £ I petitioned this Court and Debts still unpaid are about £

Signed in the Presence of Dated this Day of 185 .

[In Insolvency.]

In the Court of Bankruptcy and Insolvency.

I, the said do declare that this my Schedule doth contain a full and fair Description of me, as to my Name or Names, Trade or Trades, Profession or Professions, together with my last usual Place of Abode, and the Place or Places where I have resided during the Time when my Debts where contracted, and also a full and true Description of all Debts due or growing due from me at the Time of filing my Petition, and of all and every Person and Persons to whom I am indebted, or who to my Knowledge or Belief claim to be my Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as are admitted from such as are disputed by me; and also a full, true, and perfect Account of all my Estate and Effects, Real and Personal, in possession, reversion, remainder, or expectancy; and also of all Places of Benefit or Advantage held by me, whether the Emoluments of the same arise from fixed Salaries or from Fees, or otherwise, and also of all Pensions or Allowances which I have in possession or reversion, or which are held by any other Person or Persons, for me or on my Behalf, or of and from which I derive or may derive any Manner of Benefit or Advantage, and also of all Rights and Powers of any Nature and Kind whatsoever, which I am, or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage are, in any Manner whatsoever seised or possessed of, or interested in or entitled unto, or which I or any other Person or Persons, in trust for me or for my Benefit, have any Power to dispose of, charge, or exercise for my Benefit or Advantage; together with a full, true, and perfect Account of all the Debts due or growing due at the Time of making the said vesting Order to me or to any Person or Persons in trust for me, or for my Benefit or Advantage, either solely or jointly with any other Person or Persons, and the Names and Places of Abode of the several Persons from whom such Debts are due or growing due, and of the Witnesses who can prove such Debts as far as I can set forth the same; and that this my Schedule doth also contain a Balance Sheet of so much of my Receipts and Expenditures, and of the Items composing the same, as is required by this Honourable Court in that Behalf; and doth fully and truly describe the Wearing Apparel, Bedding, and other such Necessaries of myself and my Family, and my working Tools and Implements, which are excepted by me from the Operation of the Statute, together with the Value of such excepted Articles respectively.

Excepted Articles and the Values thereof.

	£	*s.*	*d.*
£			

Witness my Hand the Day of One thousand eight hundred

Signed in the Presence of

BALANCE SHEET OF RECEIPTS AND EXPENDITURES.

The Court requires

That this Account shall in no Case begin later than Four Calendar Months before the Prisoner's last Commitment to Custody.

That if he was before that Time arrested in any Suit which is still continued, it shall begin not later than the Time of such Arrest.

That if before those Periods, but since the Commencement of his Embarrassments, any Property has gone away from him by Sale, Assignment, Mortgage, Distress, Execution, or any Means other than the ordinary Course of Trade, the Account shall commence so as to include all such Transactions.

That the Blank in the Description of the Debtor's Side of the Account shall be filled with a Date early enough for Compliance with the above Directions.

That the specific Appropriation of each Sum received shall be separately shown, where the Case admits of it.

That the Date of each Item in the Account shall be given by stating the Day as well as the Year when the same can be ascertained.

That Money and other Property, which was in the Possession of the Prisoner or his Family or any other Person for his or their Benefit at the Time when he was last taken into Custody, shall in all Cases be made a specific Item or Items in the Account.

Dr. Specification of all Property, Real and Personal, in which I have had an Interest at any Time since the Day of , 18 , to the Time of subscribing this my Schedule, showing when, how, to whom, and for what Consideration, any Portion of any such Property has been parted with.				*Cr.* Account of all such Property, showing what Part thereof is now available for the Benefit of my Creditors, and as to such Part as has been parted with, the particular Application of the Proceeds of the same.			
Date.		£	*s.*	*d.*	Date.	£	*s.*	*d.*

CREDITORS.

No.	Names and Descriptions of Creditors and Claimants, and their present or last Residences.	Amount.	When contracted.	Admitted or disputed.	Nature and Consideration of the Debt and Securities, if any; also if the Debt is disputed, the Reason thereof.
		£ *s.* *d.*			

DEBTORS.

No.	Names, Description, and Places of Abode of Debtors.	Amount.	When contracted.	Good, bad, or doubtful.	Nature and Consideration of the Debt; also Securities, if any, for the same.	Witnesses, with their Residences and other Evidence, by which the Debt may be proved.
		£ *s.* *d.*				

N.B.—Where there are cross Demands, the Party must be entered both as Creditor and Debtor, and "Set-off" must be written under the Amount.

PROPERTY IN POSSESSION.

Real and Personal Estates and Effects which were in my Possession, Enjoyment, or Control, or which were held by any other Person or Persons in trust for my Use, or to the Possession or Enjoyment of which I was entitled at the Time of subscribing my Petition, and which are not excepted from the Operation of the Act.

		Supposed Value.		
	Freehold and Leasehold Property with local Description, Names of Tenants, and annual Rent of the same, and Statement of Incumbrances (if any) thereupon, with the Dates thereof.	£	*s.*	*d.*
Interest in Land.				
Personal Property.	Household Goods and Furniture - - -			
	Wearing Apparel - - - -			
	Jewels, Trinkets, and Ornaments of the Person -			
	Plate, Linen, and China - - - -			
	Wines and other Liquors - - - -			
	Books, Prints, and Pictures - - -			
	Horses, Cows, and other Animals - - -			
	Carriages - - - - - -			
	Farming Stock and Implements of Husbandry -			
	Stock in Trade in my Business of			
	Machinery and Utensils in my Business of			
	Ships and Shares of Ships, viz. - - -			
	Cash, Bills, Promissory Notes, Bonds, and other Personal Property not before specified - -			
Property in the Funds Annuities, Shares, &c.	Annuities, Money in the Public or other Funds, Shares in the Canal and other Companies, showing in whose Names the same are standing; also when and by whom the last Dividend or other Payment was received in respect of the same - -			
Unpaid Legacies.	Legacies due, but unpaid; with all Particulars concerning the same - - - - -			
Books. Deeds. Papers.	The following is a true List of all Books, Papers, Deeds, and Writings relating to my Estate and Effects, or any Part thereof, which at the Time of my First Arrest above mentioned were, or any Time since have been in my Possession or under my Custody or Control, or in the Possession or Custody of any Person in trust for me, or for my Use, Benefit, or Advantage.			

Where under any Division the Prisoner has no Property, the Word "None" to be entered.

PROPERTY IN REVERSION, &c.—PLACES, PENSIONS, RIGHTS, AND POWERS.

	Real and Personal Estate and Effects in which I have any Interest in reversion, remainder, or expectancy.	Supposed Value of my Interest if now to be sold. £	s.	d.
Interests in Land.	Freehold and Leasehold Property, with Names and Descriptions of Persons now enjoying the same, and the annual Value thereof; also, the Nature of my Interest therein, and from whom and in what Manner it is derived - - - - - -			
Personal Property.	Personal Property, with Names and Description of Persons now enjoying the same; also, the Nature of my Interest therein, and from whom and in what Manner it is derived - - - - - -			
Property in the Funds, Annuities, Shares, &c.	Annuities, Money in the Public or other Funds, Shares in Canal and other Companies, showing in whose Names the same are standing, with Names and Description of Persons now enjoying the same; also, the Nature of my Interest therein, and from whom and in what Manner it is derived - - - -			
Places and Pensions in possession or reversion.	Places of Benefit or Advantage held by me, with the Salaries Fees, and Emoluments thereof; also, all Pensions and Allowances in possession or reversion held by me or by any other Person or Persons for me or on my Behalf, or of and from which I derive or may derive any Benefit or Advantage.			
Rights and Powers.	Rights and Powers which I, or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage, am or are in any Manner seised or possessed of, or interested in or entitled unto, or which I or any other Person or Persons in trust for me, or for my Benefit, have any Power to dispose of, charge, or exercise for my Benefit or Advantage.			

N.B.—Contingent as well as vested Interests must be entered.

I, do hereby swear that the Contents of this my Schedule and of all and every Part thereof respectively, are true. So help me GOD.

Sworn in Court, at in the this Day of

INDORSEMENT.

Arrested	Day of	185
Committed	Day of	185
Petition filed	Day of	185
Schedule filed	Day of	185
To be heard	Day of	185

Debts, £
Credits, £
Books,
Papers,
Deeds,
&c.

SCHEDULE (Q.)

[In Insolvency.]

Creditor's Petition and Affidavit.

(1)

To the Court of Bankruptcy and Insolvency.

The Petition of

[*State the Trade or Profession of Petitioner; his present Residence (Street, Number, &c.)*]

Showeth,

That your Petitioner now at the Time of signing this Petition Creditor of

[*State more fully than in the Affidavit (so far as is known) the Debtor's last Places of Residence, and where he resided while the Debt was contracted; also his Trades or Professions.*]

now a Prisoner in And that the said Prisoner was committed to the said on the Day of 185 , as appears by the Gaoler's Copy of Causes hereunto annexed: And was

[*Charged in Execution or for Contempt, &c. &c., as the Case may be.*]

at the Suit of your Petitioner on the , for the Sum of

Your Petitioner therefore humbly prays that the Real and Personal Estate and Effects of the said Prisoner may be vested in the Official Assignees according to the Provisions of the Statute.

And your Petitioner is desirous that the said Prisoner may be ordered to file a Schedule of his Property according to the Provisions of the said Act, and may thereupon be brought up to be dealt with according to the Provisions of the said Act.

Subscribed by the said Petitioner on the Day of 185 in the Presence of of

[*Attorney's Address.*]

Attorney for the said Petitioner.

(2.)

[In Insolvency.]

In the Court of Bankruptcy and Insolvency.
In the Matter of

[*In this Place give safe Description as to Business and late Residence, for sake of Identity.*]

a Prisoner in

[*Petitioner's Name, &c. &c.*]

maketh Oath and saith, that the said hath been for Twenty-one Days last past in Custody

[*State whether in Execution or for Contempt, &c.*]

at the Suit of this Deponent, and is justly and truly indebted to this Deponent in the Sum of , besides Costs: And this Deponent further states that there is Sum due from this Deponent to the said Prisioner, or fairly claimable by the said Prisoner from this Deponent, by setting off which the said Sum for which the said Prisoner is so in Custody at the Suit of this Deponent would be reduced—viz.
And this Deponent further saith that there is Charge, Lien, or Security held

[*Write "no," or state the Debt or Claim, as the Fact may be.*]

by this Deponent, or any Person on his Behalf, against the Real or Personal Estate or Effects of the said Prisoner, independent of the Judgment

[*If it is a Decree or Order so state.*]

on which the said Prisoner is now in Custody at the Suit of this Deponent, viz:—
And this Deponent further saith that he has availed himself of his Judgment against the said Prisoner, otherwise than by Arrest of his Person, as follows:

[*If any Property whatsoever has been seized in Execution, or an Order of a Judge has been obtained, the same must be distinctly stated, with Particulars of the Result: If no such Things have taken place, write "not," and erase the Words "as follows."*]

And this Deponent further saith that the said Prisoner hath not in any Manner whatsoever made Satisfaction to this Deponent for the said Sum for which he so stands committed, nor for any Part thereof, except

[*Either erase the Word "except," or add "as aforesaid," or other Matter, according to Fact.*]

And that the said Sum of is still justly and truly due to this Deponent, whereupon this Deponent has instructed , his Attorney, to proceed to this Court pursuant to the Statute in that Behalf.

[Note.—*This Form is to be varied accordingly if the Affidavit be not made by the detaining Creditor.*]

SCHEDULE (R.)

[In Bankruptcy *or* in Insolvency.]

Search Warrant.

Day of A.D.

In the Matter of *A.B.*, of a Bankrupt [*or* Insolvent.] } Whereas, by Evidence duly taken upon Oath it hath been made to appear to the Satisfaction of the Court of Bankruptcy and Insolvency in Ireland, that there is Reason to suspect and believe that Property of the said *A.B.* is concealed in the House [*or other Place, describing it, as the Case may be*] of one *C.D.* of in the County of ; these are therefore to authorize and require you, with necessary and proper Assistance, to enter, in the Daytime, into the said House [*or other Place, describing it, as the Case may be*], situate at aforesaid, and there diligently to search for the said Property; and if any Property of the said Bankrupt [*or* Insolvent] shall be there found by you on such Search, that you seize the same, to be disposed of and dealt with according to the Provisions of the said Act.

Given under the Seal of the Court, this Day of in the Year of our Lord One thousand eight hundred and

A B. (L.S.)

To my Judge.

Messenger, and his Assistants.

If there be Reason to suspect that the Bankrupt [*or Insolvent*] *and his Property are concealed, alter the Warrant accordingly.*

SCHEDULE (S.)

[In Bankruptcy *or* in Insolvency.]

Order for Payment of Debt admitted in Court to be due to the Estate of a Bankrupt [*or Insolvent*].

Court of Bankruptcy and Insolvency, Dublin, Day of A.D.

In the Matter of a Bankrupt [*or* Insolvent]:

Whereas of in his Examination taken Day of and signed and subscribed by the said has admitted that he is indebted to the above named Bankrupt [*or* Insolvent] in the Sum of upon the Balance of Accounts between the said and the said Bankrupt: It is hereby ordered, that the said do pay to the Assignees of the Estate and Effects of the said Bankrupt [*or* Insolvent], in full Discharge of the Sum so admitted, the Sum of forthwit [*or if otherwise, state the Time and Manner of Payment,*] and that the said do also pay to the said Assignees the Sum of for the Costs of and incident to the Summons of the said in this Behalf.

C.D., Registrar. *A.B.*, Judge.

If the Court shall not adjudge the Costs of and incident to the Summons to be paid by the Person summoned, or if the Court shall adjudge the Official Assignee to pay to the Person summoned his Costs out of the Estate and Effects of the Bankrupt [*or Insolvent*], *alter the Form accordingly.*

SCHEDULE (T.)

[In Bankruptcy.]

Petition for Arrangement.

To the Court of Bankruptcy and Insolvency in Ireland.

The Petition of

Showeth,

That your Petitioner, being a Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them under the Superintendence and Control of this Honourable Court, and of submitting himself to the Jurisdiction thereof, petitions the Court under the Provisions of "The Irish Bankrupt and Insolvent Act, 1856."

That the Inability of your Petitioner to meet his Engagements with his Creditors arises from

Your Petitioner therefore prays that his Person and Property may be protected from all Process, and that such Proposal as he may be able to make (or such Modification thereof as by *Three Fifths* in Number and Value of his Creditors may be determined) may be carried into effect, under the Superintendence and Control of this Honourable Court.

Signed by the Petitioner in the Presence of

Solicitor in the Matter of this Petition.

SCHEDULE (U.)

Certificate to Petitioning Trader.

Court of Bankruptcy and Insolvency, Dublin, Day of A.D.

Whereas of a Trader unable to meet his Engagements with his Creditors, did, on the Day of present his Petition to the Court, under the Provisions of "The Irish Bankrupt and Insolvent Act, 1856," praying that a certain Proposal, or such Modification thereof as by *Three Fifths* in Number and Value of his Creditors might be determined, should be carried into effect, under the Superintendence and Control of the said Court: And whereas the Court acting in the Matter of the said Petition, caused such Sittings of the Court to be held as are directed by the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which the Court thinking to be reasonable and proper to be executed under the Direction of the said Court, caused to be filed and entered of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect, the Court doth certify the several Matters aforesaid this Day of 18 .

A.B. (L.S.)

Judge.

SCHEDULE (V.)

[In Bankruptcy *or* in Insolvency.]

Warrant of Committal of Bankrupt, Insolvent, or other Party for unsatisfactory answering, or for refusing to sign his Examination.

Court of Bankruptcy and Insolvency, Dublin.

WHEREAS *E.F.*, the said [*or G.H.* of in the County of] was on the Day of duly sworn and examined in this Court: And the said was again on the Day of duly sworn and examined in this Court, as by the Examination and Deposition of the said now on the File of Proceedings in this Matter will appear:

And whereas the Answers of the said as now so appearing in said Examination and Deposition, are unsatisfactory [*or* the said refused to sign and subscribe his said Examination and Deposition]:

These are therefore to authorize and require you, immediately upon the Receipt hereof, to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until this Court or the Lord Chancellor shall make an Order to the contrary, and for so doing this shall be your sufficient Warrant.

Given under the Seal of the Court of Bankruptcy and Insolvency, this Day of 18

J.K.,
Judge.

To
Messenger, and his Assistants,
and to
Governor of the said Prison,
or his Deputy there.

SCHEDULE (W.)

Warrant for refusing to be sworn or to answer.

Court of Bankruptcy and Insolvency, Dublin.

In the Matter of Bankrupt [*or* Insolvent].

WHEREAS *E.F.*, of *or G.H.*, of being present in this Court on this Day of was required to submit to be duly sworn and examined, pursuant to the Statute but the said then and there refused to be sworn [*or* refused to answer the Questions put to him by the Court]:

These are therefore to authorize and require you to whom this Warrant is directed, immediately upon Receipt hereof to take into your Custody

the said and him safely to convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until he shall submit himself to the Judges of Bankruptcy and Insolvency to be sworn, and full Answers make to their Satisfaction to such Questions as shall be propounded to him.

Given under the Seal of the Court of Bankruptcy and Insolvency, this Day of 18

J.K.,
Judge.

To
Messenger, and his Assistants.
and to Governor of
the said Prison, or to his Deputy
there.

SCHEDULE (X.)

Warrant of Committal for disturbing or interrupting the Court.

Court of Bankruptcy and Insolvency, Dublin.

In the Matter of Bankrupt [*or* Insolvent.] } WHEREAS at a Sitting in this Matter duly holden in the said Court on the Day of 18 , *E.F., &c.* [*or G.H. &c.*] was guilty of Riot [*or* of Disturbance, *or* did interrupt the said Court in the Exercise of its Duty]:

These are therefore to authorize and require you to whom this Warrant is directed, immediately upon the Receipt thereof to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody, and him safely keep and detain until further Order.

Given under the Seal of the Court of Bankruptcy and Insolvency, this Day of 18

J.K.,
Judge.

To
Messenger, and his Assistants,
and to
Governor of the said Prison,
or his Deputy there.

SCHEDULE (Y.)

[In Bankruptcy *or* in Insolvency.]

Warrant against Person disobeying any Rule or Order of Court.

Whereas by an Order of this Court, bearing Date the Day of it was ordered, that [*&c., &c., as in the Order :*]

And whereas it is now proved, that after the making of the said Order, that is to say, on this Day of a Copy of the said Order was duly served on the said personally ; but the said hath not as yet obeyed the said Order :

These are therefore to will, require, and authorize you, immediately upon Receipt hereof, to take into your Custody the Body of the said *A.B.*, and him safely to convey to Her Majesty's Gaol [*or* Prison] of [*or* called], and him there to deliver to the Keeper of the said Prison, together with this Precept ; and the Keeper of the said Prison is hereby required and authorized to receive the said *A.B.* into his Custody, and him safely to keep and detain, without Bail or Mainprise, until this Court or the Lord Chancellor shall make an Order to the contrary, and for so doing this shall be your sufficient Warrant.

Given under my Hand and the Seal of the Court of Bankruptcy and Insolvency, this Day of in the Year of our Lord One thousand eight hundred and

A.B. (L.S.)
Judge.

To my Messenger, or his Assistant, and to the Keeper of Her Majesty's Prison [*or* Gaol] of [*or* called], or his Deputy there.

SCHEDULE (Z.)

Document.	*Stamp Duty in lieu of Fees.* £	s.	d.
Every Petition for Adjudication of Bankruptcy, or for Arrangement between any Debtor and his Creditors - -	1	0	0
Every Summons of Trader Debtor - - - -	0	5	0
Every Copy of such Summons - - - -	0	1	0
Every Summons for a Witness - - - - -	0	2	6
Every Copy of such Summons - - -	0	0	6
Every Requisition for a Sitting of the Court in Bankruptcy for any of the following Purposes, that is to say, Adjudication, Choice of Assignees, Proof of Debts, Final Examination, Audit, Dividend, Examination of Witnesses, to proceed in Summons against Trader Debtor, and every Requision for a Sitting of the Court or Meeting, pursuant to the Statute, under a Petition for Arrangement - - - -	1	0	0
Every Allocatur by any Officer of the Court for any Costs, Charges, or Disbursements, where such Bill of Costs shall not exceed £5. - - - - - -	0	1	6
Exceeding £5 and not exceeding £10 - - - - -	0	2	6
„ 10 „ 20 - - - -	0	5	0
„ 20 „ 30 - - - -	0	7	6
„ 30 „ 50 - - - -	0	10	0
„ 50 „ 100 - - - -	0	15	0
„ 100 - - - - - -	1	0	0

Bankruptcy and Insolvency

(Ireland.)

A

BILL

To consolidate and amend the Laws relating to Bankruptcy and Insolvency in Ireland.

(*Prepared and brought in by Mr. Solicitor General for Ireland, Mr. Attorney General for Ireland, and Mr. Horsman.*)

Ordered, by The House of Commons, *to be Printed*, 29 *February* 1856.

[Bill 61.]

Under 17 *oz.*

A

B I L L

INTITULED

An Act to provide for the Retirement of the present Bishops of London and Durham.

WHEREAS the Right Honourable and Right Reverend Charles James Lord Bishop of London and the Right Reverend Edward Lord Bishop of Durham have severally represented to Her Majesty their Inability, from their State of Health, to discharge the Duties of their Office, and their Desire on that account to vacate their respective Sees: And whereas the said Bishops, upon relinquishing the Incomes to which they are now entitled in respect of their Sees, are willing to accept the annual Sums herein-after provided for them during their Lives, which Sums the annual Surplus accruing from the Revenues of such Sees to the Common Fund of the Ecclesiastical Commissioners for England, after providing thereout the fixed Incomes payable to the Successors, will be more than sufficient to pay: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Whensoever it shall be represented to Her Majesty by the Lord Archbishop of Canterbury that he has duly and canonically accepted the Resignation of his See by the said Charles James Lord Bishop of London, or by the Lord Archbishop of York that he has in like Sees of London and Durham to become vacant.

Manner accepted the Resignation of the said Edward Lord Bishop of Durham, the said Sees shall respectively be deemed to be vacant, and all Rights of such present Bishops in respect of their Sees, including their Right to sit as Lords of Parliament, shall cease, and such Proceedings shall and may be had for filling up such respective Vacancies as are by Law provided in the Case of an Avoidance of a Bishopric.

The present Bishop of London to retain the Residence at Fulham.

II. Provided always, That it shall be lawful for the said Bishop of London to continue to hold during his Life the Episcopal Palace or Residence at Fulham, with the Grounds and Appurtenances now occupied by him therewith, but subject to the like Obligation to maintain the same, and the like Liability in respect of the Dilapidations therewith, as if he had continued Holder of his said See.

Pensions to be payable to the said Bishops.

III. There shall be paid to the said Bishop of London an annual Pension of Six thousand Pounds during his Life, and to the said Bishop of Durham an annual Pension of Four thousand five hundred Pounds during his Life; and each such Pension shall commence from the Day on which the Resignation of the said Bishops shall have been accepted by his Metropolitan, and shall be payable by the Ecclesiastical Commissioners for England, out of the Common Fund of the said Commissioners, by half-yearly Payments, the First half-yearly Payment to be made on the Day on which Six Months shall have expired from the Day of the Acceptance of the Resignation; each such Pension nevertheless to grow due from Day to Day and to be subject to Apportionment accordingly at the Termination thereof.

Provisions as to Power of conferring Holy Orders by Bishops after their Retirement.

IV. After the said Sees of London and Durham respectively shall have become vacant as aforesaid the present Bishops of such Sees, during their Lives, in respect of the Exercise of any of their Episcopal Functions and the Persons admitted into Holy Orders by them, shall respectively be subject to the Provisions to which by Law Bishops who have exercised the Office of Bishop in Her Majesty's Colonies or Foreign Possessions, and are not Bishops of any Sees in England or Ireland, are now subject under the Act of the Fifty-ninth Year of King George the Third, Chapter Sixty, and the Acts of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Fifty-two, and the Sixteenth and Seventeenth Years of Her Majesty, Chapter Forty-nine, or under any other Acts of Parliament.

New Bishop to take subject to future Provisions.

V. Every Bishop who shall succeed to the Sees and Bishopricks of London and Durham respectively shall take and hold his See and Bishoprick, and all the Property, Patronage, and Rights belonging thereto, subject to any Provisions which shall be made by or under the

the Authority of Parliament within the Space of Three Years next after the passing of this Act, any Law, Statute, or Canon to the contrary notwithstanding.

Bishops of London and Durham Retirement.

A

BILL

INTITULED

An Act to provide for the Retirement of the present Bishops of London and Durham.

(*Brought from the Commons* 21 *July* 1856.)

Ordered, by The House of Commons, *to be Printed*, 21 *July* 1856.

Under 1 *oz.*

[Bill 264.]

373

4 *March* 1856. 19 Vict.

A

BILL

TO

Regulate the Hours of Labour of Females and young Persons under Eighteen employed in any of the Processes of Bleaching, Finishing, Dyeing, Calendering, Making-up and Packing, wherever carried on.

WHEREAS it is expedient to provide for the Regulation of the Employment of Females and young Persons under Eighteen Years of Age employed in Bleaching, Finishing, and Dyeing, Making-up and Packing, Works, and in any Place where any of the said Trades or Processes are carried on: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same; as follows: Preamble.

I. In citing this Act it shall be sufficient to cite it as "The "Bleachers Act, 1855." Short Title.

II. Wherever they occur in this Act, the Words "Print Works "Act, 1843," shall be taken to mean a Statute passed in the Session Interpretation Clause.

of Parliament held in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter Twenty-nine, intituled "An Act to regulate "the Labour of Children, young Persons, and Women in Print "Works;" the Words "Bleaching Work" shall be taken to mean any Field, Enclosure, Building, Shed, Drying Ground, Store Loft, Lapping Room, Lapping Loft, Dressing Shop, Bleaching Croft, Drying House, Clamping Room, Beething Place, Calendering Room, Mangling Room, Making-up and Packing Room, and Warehouse, or any other Premises or Place whatsoever, whether open, enclosed, or covered, used for the Purpose of carrying on the Process, Occupation, Trade, or Business of a Bleacher, Dyer, or Finisher, Maker-up and Packer, or any Employment connected with such Trades or Business before mentioned, or any of them; the Word "Child" shall be taken to mean a Child under the Age of Eleven Years; the Words "young Persons" shall be taken to mean a Person between the Age of Eleven and Eighteen Years; the Word "England" shall be taken to include England and Wales; the Words "Inspectors" and "Sub-Inspectors" shall mean Inspectors and Sub-Inspectors of Factories, herein-after appointed Inspectors and Sub-Inspectors for the Purpose of carrying out the Provisions of this Act; the Words "After-work" shall mean Work done after the Hours limited by this Act for the Employment of Females and young Persons; and any Part of such Bleaching Work may be taken to mean a Bleaching Work within the Meaning of this Act; but this Enactment shall not extend to any Part of such Premises used solely as a Dwelling House.

Inspectors of Factories to be Inspectors.

III. The Inspectors and Sub-Inspectors of Factories appointed or to be appointed by virtue of an Act passed in the Fourth Year of the Reign of His late Majesty, intituled "An Act to regulate the Labour "of Children and young Persons in the Mills and Factories of the "United Kingdom," and of another Act passed in the Seventh Year of the Reign of Her Majesty, intituled "An Act to amend the Laws "relating to Labour in Factories," shall respectively be Inspectors and Sub-Inspectors for carrying into effect the Powers, Authorities, and Provisions of this Act.

Children not to be employed.

IV. From and after the *First Day of February next*, no Child shall be employed in any Bleaching Work in preparing, cleaning, scouring, bleaching, dyeing, finishing, calendering, mangling, dressing, embossing, or tambouring any Woven Fabric or Twist or Yarn, or in packing, making-up, carrying, or conveying, or in aiding or assisting in any other Labour or Process connected with bleaching, dyeing, or finishing: Provided nevertheless, that nothing hereinbefore enacted shall be held to prohibit Children under the Age of Eleven Years from being employed in any Manner aforesaid in the House of their Parents.

V. From

Young Persons not to be employed except within certain Hours.

V. From and after the said *First Day of February*, the following shall be the Rules regulating the Employment of Females and young Persons in Bleaching Works; (that is to say,)

No Female or young Person shall be employed in any Bleaching Work in any of the Occupations aforesaid before the Hour of *Six* o'Clock in the Morning or after the Hour of *Six* o'Clock in the Evening; and there shall in every Bleaching Work be allowed on each Working Day between these Hours an Interval of *One Half Hour* for Breakfast, and on every Working Day except Saturday an Interval of *One Hour* for Dinner, during which Intervals respectively no Female or young Person shall be employed in any of the Occupations aforesaid.

Nor after Two on Saturday.

VI. On each and every Saturday no Female or young Person shall be employed in any Bleaching Work in any of the Occupations aforesaid after the Hour of *Two* o'Clock in the Afternoon.

Offences against this Act.

VII. Every Person employing or wilfully permitting to be employed any Female or young Person contrary to the Provisions of this Act shall be deemed guilty of an Offence against this Act, and every Person wilfully omitting to do or perform anything enjoined by this Act shall be deemed guilty of an Offence against this Act.

Penalties for Offences.

VIII. Every Person guilty of any Offence against this Act for which no other Penalty is provided shall forfeit a Sum not less than *Two Pounds* and not exceeding *Ten Pounds*, to be applied as directed by the Forty-eighth Section of "The Print Works Act, 1843," with reasonable Costs and Charges of the Inspector or Sub-Inspector complaining thereof, the same to be recovered by Information or Complaint and summary Conviction before Two or more of Her Majesty's Justices of the Peace, or other Magistrate by whatever Name known, having Jurisdiction within the Place where the Offence was committed in the Manner herein-after mentioned.

Justices to hear Complaints.

IX. All Complaints of Offences against this Act shall be heard and determined in England, Ireland, and Scotland respectively by Two or more Justices in the Manner denoted by "The Print Works Act, 1843," in the Case of Offences against that Act; and all Justices and Magistrates, by whatever Name known, and Magistrates of Burghs in Scotland, shall in all respects exercise the same Jurisdiction, and exercise the same Powers, both as to summoning Parties and Witnesses and to enforcing and levying Penalties in case of Conviction, as by the said Act they are empowered to do in case of Offences against that Act; and all the Provisions of the said Act regulating the Proceedings upon such Complaint, and the hearing and determining

mining of the same, and all other the Provisions and Directions relating to such Proceedings, whether before or after the Hearing, and the Forms of Summonses and Convictions directed by said Act, are hereby declared to be applicable to Proceedings against Persons for Offences under this Act.

Appeals may be brought.

X. All the Provisions of the said Act relating to Appeals against Convictions under it shall in like Manner apply to Convictions under this Act.

Inspectors to institute Proceedings.

XI. With reference to Prosecutions or Proceedings to enforce Penalties for Offences against this Act the Inspectors and Sub-Inspectors shall discharge all such Duties, and take all such Proceedings, and exercise all such Powers and Authorities in preferring Complaints, and in summoning Parties and Witnesses, and otherwise, as by the said Act they are empowered and directed in the Case of Proceedings to enforce Penalties for Offences against the said Act.

Power of Inspectors.

XII. For the Purpose of carrying out the Provisions of this Act, the Inspectors and Sub-Inspectors shall exercise in, over, and in relation to Bleaching Works, and their Owners and Occupiers, and Persons employed therein, all such Powers and Rights of Entry, Inspection, and Examination, and of inspecting Documents and calling for Information, and all other Rights, Powers, and Authorities as by the said "Print Works Act, 1843," they are empowered to exercise in, over, and in relation to Print Works, and the Owners and Occupiers thereof, and the Persons employed therein, as fully and effectually as if Bleaching Works had been mentioned along with Print Works in the said Acts.

Obstructing Inspectors an Offence.

XIII. All Persons wilfully obstructing the Inspectors or Sub-Inspectors in exercising any of the said Powers shall be deemed guilty of an Offence against this Act, and shall be subject in each Case respectively to the Penalties imposed by the said "Print Works Act, 1843," for like Obstructions to the Inspectors or Sub-Inspectors in the Execution of the Powers given by that Act; and the Owner of any Bleaching Work in which an Inspector or Sub-Inspector shall be obstructed by any Attempt to prevent him from making a full and complete Examination of all Parts of the Bleaching Works, and of every Person employed therein, shall be liable to the Penalty provided by the said Act in the Case of like Obstruction in Print Works.

This Act and "Print Works Act"

XIV. For the Purpose of the Provisions contained in the Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Clauses of this Act, the said

said Print Works Act and this Act shall be read and construed as One Act. to be read as One Act.

XV. The Occupier of any Bleaching Work before employing any young Person shall take from the Parent or Guardian of such young Person a Certificate stating the Age of such young Person, which Certificate shall be registered in some Register kept in the said Bleaching Work, and which shall be open at all Times to the Inspection of the Inspector and Sub-Inspector; and any Person employing any young Person without such Certificate shall be guilty of an Offence against this Act. Parents to give Certificate of Age.

XVI. Any Parent or Guardian wilfully stating anything false in such Certificate shall be deemed guilty of a Misdemeanor, and on Conviction thereof shall be punished by Fine and Imprisonment, at the Discretion of the Court before which such Conviction shall take place. False Certificate a Misdemeanor.

XVII. No such Certificate shall protect any Person, knowing the Person mentioned in such Certificate to be of an Age less than the Age mentioned therein, from the Penalties imposed for the Employment or conniving at the Employment of any Person contrary to the Provisions of this Act. False Certificate not to protect Persons knowing it to be false.

XVIII. A Register shall be kept in every Bleaching Work by the Occupier thereof, in accordance with the Directions as to Registers in Print Works contained in the said "Print Works Act, 1843," and the Schedule to the said Act annexed. Registers to be kept.

XIX. If in any Bleaching Work, upon any working Day except Saturday, *Two* Hours shall be allowed for Meals, then and in that Case it shall and may be lawful to employ young Persons and Females until the Hour of *Half past Six* in the Evening, anything hereinbefore contained to the contrary notwithstanding. If Two Hours allowed for Meals, Hours of Employment extended.

XX. Provided always, That the last Section shall not apply to any Bleaching Work, or protect the Occupier thereof, or any other Person, from any Penalty imposed by the former Provisions of this Act for employing young Persons or Females after *Six* o'Clock, unless the Occupier thereof shall have given Notice to the Inspector that the Time allowed for Meals in such Bleaching Works is *Two* Hours; and from and after the Service of such Notice, and until the same is withdrawn, the Allowance of a shorter Time than *Two* Hours for Meals in such Bleaching Works on any Day excepting Saturday shall be deemed an Offence against this Act; and upon the Withdrawal of Special Notice to be given in such Case.

such Notice by Notice in Writing to the Inspector the Force and Effect of such first Notice shall altogether cease.

After-work to be lawful in Cases of Necessity.

XXI. Whereas in the Process of Bleaching Yarn, Linen, and other Fabrics in the open Air, it sometimes happens that, owing from sudden Emergencies arising from the State of the Weather, it is necessary to employ all the available Labour in the Bleaching Work in Occupation connected with out-door Bleaching, to prevent Injury to the Goods the Subject of such Process, or Loss of the same: Be it enacted, That in any Case in which any young Person or Female shall be employed after the Hours appointed by this Act in any out-door Occupation rendered necessary for the Preservation of any Goods by reason of any unexpected Change of the Weather, or any other sudden Emergency causing Risk or Damage to the Texture of the said Goods, upon Proof of the Necessity of so employing them, such Employment shall not be deemed to be an Offence against this Act.

Entry to be made of After-work.

XXII. Provided always, That in every Case in which any young Person or Female shall be employed in After-hours, as mentioned in the last Section, the Fact of such Employment shall be entered by the Occupier of the Bleaching Work in a Book to be kept for that Purpose, together with the Reason of such Employment, the Time during which it lasted, and all other Particulars connected therewith; and Notice shall on the following Day be given to the Inspector of the Fact of such Employment having occurred, and in default of such Entry or Notice, or either, the last Section shall not be available to protect any Person from the Penalties herein-before imposed for working After-hours.

Limit of Hours of Labour in One Week or Day.

XXIII. Except in the Case of such unavoidable Necessity as is herein-before provided, no Female or young Person shall be actually employed in any Bleaching Work in any of the Occupations mentioned in this Act more than *Ten Hours and a Half* in any One Day or more than *Sixty Hours* in any One Week.

Persons setting up Defence of Necessity to give Evidence of Proof.

XXIV. At the Hearing of any Complaint or Prosecution for employing any Female or young Person contrary to the Provisions of this Act, and in which the Defence shall be set up that such Employment arose from such unavoidable Necessity as herein-before stated, the Onus shall lie upon the accused Party to show that such Employment is within the Protection given by the Provisions of the Twenty-first and Twenty-second Clauses of this Act.

Notice of Firm, &c. to be given.

XXV. Every Person carrying on Business at any Bleaching Work, shall, within *One Month* after the First Day of January next, or within

within *One Month* after beginning to carry on such Business, send a written Address to the Office of the Factory Inspector, London, containing the Name of such Bleaching Work, together with the Place, Township, or Parish and County where the same is situated, the Post Town to which he desires his Letters to be addressed, the Nature of the Work, and the Name of the Firm under which such Business is or is to be carried on.

Penalty for forging Certificate, or writing or using false one.

XXVI. Every Person convicted of making, giving, signing, countersigning, counterfeiting, or making use of any Certificate authorized or required by or by virtue of this Act, knowing the same to be untrue, or of wilfully making, or wilfully conniving at making, any false counterfeited Certificate, or any false Entry in any Register, or any other Account, Paper, or Notice required by or by virtue of this Act, and also every Person convicted of wilfully making and signing a false Declaration in any Proceedings under this Act, shall be liable on summary Conviction to a Penalty of not less than *Five Pounds* and not more than *Twenty Pounds*, or to be imprisoned for any Time not exceeding *Six* Calendar Months in the House of Correction in the County, Town, or Place where the Offence was committed.

Justices may exercise Powers of certain Acts.

XXVII. In any Proceeding for a summary Conviction under this Act the Justices in England hearing and determining the same may exercise all the Powers conferred upon Justices by the Statute passed in the Eleventh and Twelfth Years of the Reign of the Queen, intituled "An Act to facilitate the Performances of the Duties of "Justices of the Peace out of Sessions within England and Wales "with respect to summary Convictions and Orders," and may, if they think fit, proceed according to the Forms and Directions of the said Act; and in like Manner the Justices in Ireland may exercise the Powers, and, if they think fit, proceed according to the Form of an Act passed in the Session held in the Fourteenth and Fifteenth Years of the Reign of the Queen, intituled "The Summary Jurisdiction Act, 1851."

Limitation of Time for Prosecutions.

XXVIII. All Complaints for Offences against this Act shall be preferred within *Three* Months after the Commission of the Offence, except in the Case of Offences punishable at Discretion by Fine or Imprisonment, in which Case the Complaints may be preferred within *Twelve* Months next after the Commission of the Offence.

A

BILL

To regulate the Hours of Labour of Females and young Persons under Eighteen employed in any of the Processes of Bleaching, Finishing, Dyeing, Calendering, Making-up and Packing, wherever carried on.

(*Prepared and brought in by Mr. Isaac Butt, Lord John Manners, Viscount Goderich, and Mr. Crook.*)

Ordered, by The House of Commons, *to be Printed,* 4 *March* 1856.

[Bill 64.]

Under 2 oz.

16 *April* 1856. 19 Vict.

(No. 2.)

A

BILL

TO

Regulate the Hours of Labour of Women and young Persons in Bleaching and Dyeing Works.

WHEREAS it is expedient to provide for the Regulation of the Employment of Females and young Persons under Eighteen Years of Age employed in Bleaching and Dyeing Works: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. In citing this Act it shall be sufficient to cite it as "The "Bleachers Act, 1856." Short Title.

II. Wherever they occur in this Act, the Words "Print Works "Act, 1843," shall be taken to mean a Statute passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter Twenty-nine, intituled "An Act to regulate "the Labour of Children, young Persons, and Women in Print "Works;" the Word "Child" shall be taken to mean a Child under the Age of *Eleven* Years; the Words "young Person" shall be taken to mean a Person between the Age of *Eleven* and *Eighteen* Years; the Word "England" shall be taken to include England and Wales; the Words "Inspectors" and "Sub-Inspectors" shall mean the Interpretation of Terms.

Inspectors and Sub-Inspectors of Factories herein-after appointed Inspectors and Sub-Inspectors for the Purpose of carrying out the Provisions of this Act; the Words "After-work" shall mean Work done after the Hours limited by this Act for the Employment of Females and young Persons:

The Words "Bleaching Work," whenever they occur in this Act, shall be taken to mean any Enclosure, Room, House, Shed, Building, or other Premises or Place whatsoever, whether open or covered, used for the Purpose of carrying on the Trade or Business of a Bleacher or Dyer of Linen or Cotton Goods, or in which, in the Trade and Business of a Bleacher or Dyer, any woven Fabric or Twist or Yarn of Linen or Cotton shall be bleached or dyed, or in which any Process incidental to such Bleaching or Dyeing shall be carried on:

Whenever any of the Processes of Calendering, Finishing, Making-up, or Packing any Linen or other Fabrics, after the same shall have been bleached or dyed, or any other Process used in the Preparation of such dyed or bleached Goods, shall be carried on in connexion with any Bleaching Work as above defined, then and in that Case all Calendering Rooms, Mangling Rooms, Lapping Rooms, Lapping Lofts, and all other Rooms, Buildings, and Premises, of what Nature or Kind whatsoever, in which any such Processes shall be so carried on, shall be deemed to be Part of such Bleaching Work within the Meaning of this Act:

Any Part of such Bleaching Work may be taken to mean a Bleaching Work within the Meaning of this Act; but this Enactment shall not extend to any Part of such Premises used solely as a Dwelling House.

Inspectors of Factories to be Inspectors.

III. The Inspectors and Sub-Inspectors of Factories appointed or to be appointed by virtue of an Act passed in the Fourth Year of the Reign of His late Majesty, intituled "An Act to regulate the Labour "of Children and young Persons in the Mills and Factories of the "United Kingdom," and of another Act passed in the Seventh Year of the Reign of Her Majesty, intituled "An Act to amend the Laws "relating to Labour in Factories," shall respectively be Inspectors and Sub-Inspectors for carrying into effect the Powers, Authorities, and Provisions of this Act.

Children not to be employed.

IV. From and after the *First Day of November next*, no Child shall be employed in any Bleaching Work in preparing, cleaning, scouring, bleaching, dyeing, finishing, calendering, mangling, dressing, embossing, or tambouring any Woven Fabric or Twist or Yarn, of any Material or Kind whatsoever, or in packing, making-up, carrying, or conveying, or in aiding or assisting in any other Labour or

or Process connected with bleaching, dyeing, or finishing: Provided nevertheless, that nothing herein-before enacted shall be held to prohibit Children under the Age of Eleven Years from being employed in any Manner aforesaid in the House of their Parents.

Act to extend to Bleaching Works only.

V. Nothing in this Act contained shall interfere with the Employment of Women or young Persons or Children in any Place, except in a Bleaching Work as defined by this Act.

Young Persons not to be employed except within certain Hours.

VI. From and after the said *First Day of November*, the following shall be the Rules regulating the Employment of Females and young Persons in Bleaching Works; (that is to say,)

No Female or young Person shall be employed in any Bleaching Work in any of the Occupations aforesaid before the Hour of *Six* o'Clock in the Morning or after the Hour of *Six* o'Clock in the Evening; and there shall in every Bleaching Work be allowed on each Working Day between these Hours an Interval of *One Half Hour* for Breakfast, and on every Working Day except Saturday an Interval of *One Hour* for Dinner, during which Intervals respectively no Female or young Person shall be employed in any of the Occupations aforesaid.

Nor after Two on Saturday.

VII. On each and every Saturday no Female or young Person shall be employed in any Bleaching Work in any of the Occupations aforesaid after the Hour of *Two* o'Clock in the Afternoon.

Offences against this Act.

VIII. Every Person employing or wilfully permitting to be employed any Female or young Person contrary to the Provisions of this Act shall be deemed guilty of an Offence against this Act, and every Person wilfully omitting to do or perform anything enjoined by this Act shall be deemed guilty of an Offence against this Act.

Penalties for Offences.

IX. Every Person guilty of any Offence against this Act for which no other Penalty is provided shall forfeit a Sum not less than *Two Pounds* and not exceeding *Ten Pounds*, to be applied as directed by the Forty-eighth Section of "The Print Works Act, 1843," with reasonable Costs and Charges of the Inspector or Sub-Inspector complaining thereof, the same to be recovered by Information or Complaint and summary Conviction before Two or more of Her Majesty's Justices of the Peace, or other Magistrate by whatever Name known, having Jurisdiction within the Place where the Offence was committed in the Manner herein-after mentioned.

Justices to hear Complaints.

X. All Complaints of Offences against this Act shall be heard and determined in England, Ireland, and Scotland respectively by Two or more Justices in the Manner denoted by "The Print Works Act,

1843," in the Case of Offences against that Act; and all Justices and Magistrates, by whatever Name known, and Magistrates of Burghs in Scotland, shall in all respects exercise the same Jurisdiction, and exercise the same Powers, both as to summoning Parties and Witnesses and to enforcing and levying Penalties in case of Conviction, as by the said Act they are empowered to do in case of Offences against that Act; and all the Provisions of the said Act regulating the Proceedings upon such Complaint, and the hearing and determining of the same, and all other the Provisions and Directions relating to such Proceedings, whether before or after the Hearing, and the Forms of Summonses and Convictions directed by said Act, are hereby declared to be applicable to Proceedings against Persons for Offences under this Act.

Appeals may be brought.

XI. All the Provisions of the said Act relating to Appeals against Convictions under it shall in like Manner apply to Convictions under this Act.

Inspectors to institute Proceedings.

XII. With reference to Prosecutions or Proceedings to enforce Penalties for Offences against this Act the Inspectors and Sub-Inspectors shall discharge all such Duties, and take all such Proceedings, and exercise all such Powers and Authorities in preferring Complaints, and in summoning Parties and Witnesses, and otherwise, as by the said Act they are empowered and directed in the Case of Proceedings to enforce Penalties for Offences against the said Act.

Power of Inspectors.

XIII. For the Purpose of carrying out the Provisions of this Act, the Inspectors and Sub-Inspectors shall exercise in, over, and in relation to Bleaching Works, and their Owners and Occupiers, and Persons employed therein, all such Powers and Rights of Entry, Inspection, and Examination, and of inspecting Documents and calling for Information, and all other Rights, Powers, and Authorities as by the said "Print Works Act, 1843," they are empowered to exercise in, over, and in relation to Print Works, and the Owners and Occupiers thereof, and the Persons employed therein, as fully and effectually as if Bleaching Works had been mentioned along with Print Works in the said Acts.

Obstructing Inspectors an Offence.

XIV. All Persons wilfully obstructing the Inspectors or Sub-Inspectors in exercising any of the said Powers shall be deemed guilty of an Offence against this Act, and shall be subject in each Case respectively to the Penalties imposed by the said "Print Works Act, 1843," for like Obstructions to the Inspectors or Sub-Inspectors in the Execution of the Powers given by that Act; and the Owner of any Bleaching Work in which an Inspector or Sub-Inspector shall be obstructed by any Attempt to prevent him from making a full and complete

complete Examination of all Parts of the Bleaching Works, and of every Person employed therein, shall be liable to the Penalty provided by the said Act in the Case of like Obstruction in Print Works.

This Act and "Print Works Act" to be read as One Act.

XV. For the Purpose of the Provisions contained in the Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Clauses of this Act, the said Print Works Act and this Act shall be read and construed as One Act.

Parents to give Certificate of Age.

XVI. The Occupier of any Bleaching Work before employing any young Person shall take from the Parent or Guardian of such young Person a Certificate stating the Age of such young Person, which Certificate shall be registered in some Register kept in the said Bleaching Work, and which shall be open at all Times to the Inspection of the Inspector and Sub-Inspector; and any Person employing any young Person without such Certificate shall be guilty of an Offence against this Act.

False Certificate a Misdemeanor.

XVII. Any Parent or Guardian wilfully stating anything false in such Certificate shall be deemed guilty of a Misdemeanor, and on Conviction thereof shall be punished by Fine and Imprisonment, at the Discretion of the Court before which such Conviction shall take place.

False Certificate not to protect Persons knowing it to be false.

XVIII. No such Certificate shall protect any Person, knowing the Person mentioned in such Certificate to be of an Age less than the Age mentioned therein, from the Penalties imposed for the Employment or conniving at the Employment of any Person contrary to the Provisions of this Act.

Registers to be kept.

XIX. A Register shall be kept in every Bleaching Work by the Occupier thereof, in accordance with the Directions as to Registers in Print Works contained in the said "Print Works Act, 1843," and the Schedule to the said Act annexed.

If Two Hours allowed for Meals, Hours of Employment extended.

XX. If in any Bleaching Work, upon any working Day except Saturday, *Two* Hours shall be allowed for Meals, then and in that Case it shall and may be lawful to employ young Persons and Females until the Hour of *Half past Six* in the Evening, anything hereinbefore contained to the contrary notwithstanding.

Special Notice to be given in such Case.

XXI. Provided always, That the last Section shall not apply to any Bleaching Work, or protect the Occupier thereof, or any other Person, from any Penalty imposed by the former Provisions of this Act for employing young Persons or Females after *Six* o'Clock, unless the Occupier thereof shall have given Notice to the Inspector that the

Time allowed for Meals in such Bleaching Works is *Two* Hours; and from and after the Service of such Notice, and until the same is withdrawn, the Allowance of a shorter Time than *Two* Hours for Meals in such Bleaching Works on any Day excepting Saturday shall be deemed an Offence against this Act; and upon the Withdrawal of such Notice by Notice in Writing to the Inspector the Force and Effect of such first Notice shall altogether cease.

After-work to be lawful in Cases of Necessity.

XXII. Whereas in the Process of Bleaching Yarn, Linen, and other Fabrics in the open Air, it sometimes happens that, owing from sudden Emergencies arising from the State of the Weather, it is necessary to employ all the available Labour in the Bleaching Work in Occupation connected with out-door Bleaching, to prevent Injury to the Goods the Subject of such Process, or Loss of the same: Be it enacted, That in any Case in which any young Person or Female shall be employed after the Hours appointed by this Act in any Occupation incidental to out-door Bleaching rendered necessary for the Preservation of any Goods by reason of any unexpected Change of the Weather, or any other sudden Emergency causing Risk or Damage to the Texture of the said Goods, upon Proof of the Necessity of so employing them, such Employment shall not be deemed to be an Offence against this Act.

Entry to be made of After-work.

XXIII. Provided always, That in every Case in which any young Person or Female shall be employed in After-hours, as mentioned in the last Section, the Fact of such Employment shall be entered by the Occupier of the Bleaching Work in a Book to be kept for that Purpose, together with the Reason of such Employment, the Time during which it lasted, and all other Particulars connected therewith; and Notice shall on the following Day be given to the Inspector of the Fact of such Employment having occurred, and in default of such Entry or Notice, or either, the last Section shall not be available to protect any Person from the Penalties herein-before imposed for working After-hours.

Limit of Hours of Labour in One Week or Day.

XXIV. Except in the Case of such unavoidable Necessity as is herein-before provided, no Female or young Person shall be actually employed in any Bleaching Work in any of the Occupations mentioned in this Act more than *Ten Hours and a Half* in any One Day or more than *Sixty Hours* in any One Week.

Persons setting up Defence of Necessity to give Evidence of Proof.

XXV. At the Hearing of any Complaint or Prosecution for employing any Female or young Person contrary to the Provisions of this Act, and in which the Defence shall be set up that such Employment arose from such unavoidable Necessity as herein-before stated, the Onus shall lie upon the accused Party to show that such Employment is within the Protection given by the Provisions of the Twenty-first and Twenty-second Clauses of this Act.

XXVI. Every

Notice of Firm, &c. to be given.

XXVI. Every Person carrying on Business at any Bleaching Work shall, within *One Month* after the First Day of *September* next, or within *One Month* after beginning to carry on such Business, send a written Address to the Office of the Factory Inspector, London, containing the Name of such Bleaching Work, together with the Place, Township, or Parish and County where the same is situated, the Post Town to which he desires his Letters to be addressed, the Nature of the Work, and the Name of the Firm under which such Business is or is to be carried on.

Penalty for forging Certificate, or writing or using false one.

XXVII. Every Person convicted of making, giving, signing, countersigning, counterfeiting, or making use of any Certificate authorized or required by or by virtue of this Act, knowing the same to be untrue, or of wilfully making, or wilfully conniving at making, any false counterfeited Certificate, or any false Entry in any Register, or any other Account, Paper, or Notice required by or by virtue of this Act, and also every Person convicted of wilfully making and signing a false Declaration in any Proceedings under this Act, shall be liable on summary Conviction to a Penalty of not less than *Five Pounds* and not more than *Twenty Pounds*, or to be imprisoned for any Time not exceeding *Six* Calendar Months in the House of Correction in the County, Town, or Place where the Offence was committed.

Justices may exercise Powers of certain Acts.

XXVIII. In any Proceeding for a summary Conviction under this Act the Justices in England hearing and determining the same may exercise all the Powers conferred upon Justices by the Statute passed in the Eleventh and Twelfth Years of the Reign of the Queen, intituled "An Act to facilitate the Performances of the Duties of "Justices of the Peace out of Sessions within England and Wales "with respect to summary Convictions and Orders," and may, if they think fit, proceed according to the Forms and Directions of the said Act; and in like Manner the Justices in Ireland may exercise the Powers, and, if they think fit, proceed according to the Form of an Act passed in the Session held in the Fourteenth and Fifteenth Years of the Reign of the Queen, intituled "The Summary Jurisdiction Act, 1851."

Limitation of Time for Prosecutions.

XXIX. All Complaints for Offences against this Act shall be preferred within *Three* Months after the Commission of the Offence, except in the Case of Offences punishable at Discretion by Fine or Imprisonment, in which Case the Complaints may be preferred within *Twelve* Months next after the Commission of the Offence.

(No. 2.)

A

BILL

To regulate the Hours of Labour of Women and young Persons in Bleaching and Dyeing Works.

(Prepared and brought in by Mr. Isaac Butt, Lord John Manners, Viscount Goderich, and Mr. Crook.)

Ordered, by The House of Commons, *to be Printed,* 16 *April* 1856.

[Bill 101.]

Under 1 *oz.*

26 *May* 1856. 19 Vict.

A

BILL

TO

Amend the Burial Acts.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

General Board of Health substituted for Secretary of State for Purposes of Burial Acts.

I. All the Powers which are vested in One of Her Majesty's Principal Secretaries of State by the following Acts concerning the Burial of the Dead in England, (that is to say), an Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty-five, an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and thirty-four; an Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-seven, and an Act of the last Session of Parliament, Chapter One hundred and twenty-eight, and by any Order in Council made under any of the said Acts, are hereby transferred to and vested in the General Board of Health, and the General Board of Health shall, for the Purposes of all the Provisions of the said Acts and of such Order in Council, come in the Place of and be substituted for One of Her Majesty's Principal Secretaries of State, in like Manner as if in such Provisions the General Board of Health had been mentioned or referred to instead of One of Her Majesty's Principal Secretaries of State.

Section 20. of 18 & 19 Vict. c. 128. repealed.

II. Section Twenty of the Act of the last Session of Parliament, Chapter One hundred and twenty-eight, shall be repealed.

Burial Boards may provide more than One Burial Ground.

III. Any Burial Board acting under the Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty-five, the Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and thirty-four, the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-seven, and the said Act of the last Session of Parliament, or any of the said Acts or this Act, may, if they see fit, provide more than One Burial Ground; and the Provisions of the said Acts shall apply to every Burial Ground so provided, save that any such Burial Board may, where they see fit, in lieu of dividing any Burial Ground or Burial Grounds provided by such Board into consecrated and unconsecrated Parts, provide separate and distinct Burial Grounds for Burials according to the Rites of the United Church of England and Ireland and for other Burials respectively; and all the Provisions of the said Acts or any of them applicable to the consecrated Part of a Burial Ground provided under the said Acts or any of them shall be applicable in like Manner to any separate Burial Ground provided for Burials according to the Rites of the said United Church; and all the Provisions of the said Acts or any of them applicable to the unconsecrated Part of any Burial Ground provided as aforesaid shall apply to any separate Burial Ground provided for Burials other than Burials according to such Rites.

Local Board of Health may, by Order in Council, be constituted a Burial Board.

IV. Upon the Petition of not less than *One Tenth* of the Inhabitants of the District of any Local Board of Health rated to the General District Rate, or, if there be no General District Rate, rated to the Relief of the Poor, stating that an Order in Council has been made for closing all or any of the Burial Grounds of One or more Parishes within the District of such Local Board, and representing that there is Difficulty or Inconvenience in providing, under the Powers of the said Acts, requisite Places of Burial for the Inhabitants of such Parish or Parishes, it shall be lawful for Her Majesty, with the Advice of Her Privy Council, in case Her Majesty see fit so to do, to order that such Local Board shall be a Burial Board for the District of such Local Board, and thereupon such Local Board shall be a Burial Board for such District accordingly; and the Provisions of the Acts herein-before mentioned (except the Provisions relating to the Constitution, Incorporation, Meetings, Entries of Proceedings, and Accounts of Burial Boards), and the Provisions herein-before contained, shall extend to the District of such Board, and to such Board, and to any Burial Ground

Ground and Places for the Reception of the Bodies of the Dead previously to Interment which may be provided by such Board, in like Manner as to any Parish and the Burial Board thereof, and any Burial Ground and any such Places as aforesaid provided by such last-mentioned Board, save that no Approval, Sanction, or Authorization of any Vestry shall be requisite: Provided always, that Notice of such Petition, and of the Time when it shall please Her Majesty to order the same to be taken into consideration by the Privy Council, shall be published in the London Gazette, and in One of the Newspapers usually circulating in the District of such Local Board, *One Month* at least before such Petition is so considered: Provided also, that this Enactment shall not apply to any such District as aforesaid exclusively consisting of the whole or Part of One Corporate Borough within the Meaning of the Public Health Act, 1848.

Local Board of Health how to act under this Act, and how Land to be conveyed to them.

V. Every Local Board of Health constituted a Burial Board under this Act shall act in execution of their Duties, Powers, and Authorities as such Burial Board in like Manner as in the Execution of their Duties, Powers, and Authorities under the Public Health Act, 1848; and all Expenses of carrying this Act into execution by such Local Board of Health shall be defrayed in like Manner as Expenses incurred by them in the Execution of the Public Health Act, 1848; and any surplus Income of any Burial Ground provided by such Board shall be applied in aid of the District Fund or General District Rates of such Board, and such Surplus shall be ascertained upon the auditing of the Accounts of such Board in any Year; and any Land purchased by such Board for the Purposes of this Act shall be conveyed to and held by them as a Body Corporate in trust for such Burials.

Burial Acts Amendment.

A

BILL

To amend the Burial Acts.

(Prepared and brought in by Mr. Massey and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed*, 26 *May* 1856.

[Bill 155.]

Under 1 *oz.*

Burial Grounds (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Short Title; Sect. 1.

Interpretation of Terms; 2.

Burial Boards to carry Act into execution; 3.

Board of Guardians to be subject to Control of Poor Law Commissioners; 4.

On Representation duly made to him, Lord Lieutenant in Council may restrain the opening of new Burial Grounds, and order Discontinuance of Burials in specified Places; 5.

Lord Lieutenant in Council may postpone Order for Discontinuance of Burials; 6.

Penalty on Persons burying contrary to the Provisions of Orders in Council; 7.

Saving of certain Rights to bury in Vaults; 8.

New Burial Grounds not to be opened contrary to Order in Council; 9.

No Corpse to be buried unless at a certain Depth beneath the Ground; 10.

Upon Requisition of Ratepayers or Members of Burial Board, Meeting of Board to be convened, to determine whether Burial Ground shall be provided; 11.

When Burial Grounds are closed by Order in Council, Board to provide suitable Burial Grounds, &c.; 12.

Consent of Owners of Houses to new Burial Grounds when necessary; 13.

Board may purchase Land for Cemeteries, or contract with Cemetery Companies; 14.

Certain Provisions of 8 Vict. c. 18. incorporated with this Act; 15.

Liabilities of old Burial Grounds transferred to new Burial Grounds; 16.

Management to be vested in Burial Boards; 17.

Boards may sell exclusive Rights of Burial and Rights to erect Monuments; 18.

Boards may make Arrangements for facilitating the Conveyance of Bodies to Burial Grounds; 19.

Places may be provided for Reception of Bodies until Interment; 20.

Lord Lieutenant in Council may make Regulations as to Burial Grounds, &c.; 21.

Exemption of Burials from Toll; 22.

Boards may lay out and embellish Burial Grounds; 23.

Board to fix Payments for Interments in Burial Grounds; 24.

Minutes of Proceedings of Board to be entered in a Book; Board to keep Accounts, which shall be open to Inspection; 25.

Board may appoint and remove Officers, &c.; 26.

Register of Burials to be kept in every Ground provided under this Act; 27.

Public Works Loan Commissioners may advance Money for the Purposes of this Act; 28.

Expenses of Act to be defrayed by a separate Rate; 29.

Guardians or Council may appropriate Lands for Purposes of Act; 30.

Certain Provisions of 10 & 11 Vict. c. 65. incorporated with the Act; 31.

Burial Board may borrow Money for laying out Burial Ground, &c., and charge same on Rates to be levied under this Act; 32.

Money may be borrowed to pay off Securities; 33.

Assessments to local Rates not to be increased after Purchase for the Purposes of this or any former Act; 34.

Burial Board may let Land not required for Burials; 35.

Burial Board to keep in order closed Burial Grounds, &c.; 36.

Act to extend only to Ireland; 37.

(Ireland.)

A

BILL

TO

Amend the Laws relating to the Burial of the Dead in Ireland.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as "The Burial Grounds (Ireland) Act, 1856."

Interpretation of Terms.

II. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, "Lord Lieutenant" shall mean the Lord Lieutenant of Ireland or other Chief Governor or Governors thereof; "Council" shall mean Her Majesty's Privy Council in Ireland; "Borough" shall mean any Borough or Town Corporate in Ireland, or any Town in which a Board of Municipal Commissioners shall have been elected, under the Provisions of an Act of the Third and Fourth Years of Her present Majesty, Chapter One hundred and eight, or in which Town Commissioners shall have been appointed, under the Provisions of an Act of the Ninth Year of King George the Fourth, Chapter Eighty-two, or an Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter One hundred and three,

three, or any Act amending the same; "Town Council" shall mean the Town Council of the Borough, or, where there is no Town Council, the Board of Municipal Commissioners, or the Town Commissioners acting for the Borough or Town; "the Borough Fund" shall be held to include "the Town Fund;" "Parish" shall extend to any Extra-parochial Precinct or Place; "Ratepayers" shall mean the Persons for the Time being assessed to and paying Rates, or liable to be rated, under the Provisions of this Act; "Town Clerk" shall mean the Town Clerk of the Borough, or, where there is no Town Clerk, the Clerk of the Board of Municipal Commissioners, or of the Town Commissioners acting for the Borough or Town.

Burial Boards to carry this Act into execution.

III. In the Execution of this Act in Poor Law Unions, or any Portion thereof not within the Limits or Boundaries of any Borough as defined by this Act, "Burial Board" shall be held to signify the Board of Guardians for the Relief of the Poor within any such Poor Law Union or Portion thereof, and the Manner of holding and transacting Business at Meetings of such Burial Boards shall be similar to the Manner in use in respect of the Relief of the Poor, and within the Limits or Boundaries of any Borough "the Town Council of the Borough" shall be held to be the "Burial Board" of such Borough.

Board of Guardians to be subject to Control of Poor Law Commissioners.

IV. The Board of Guardians for the Relief of the Poor shall, in carrying into execution the Provisions of this Act, be subject to the Direction and Control of the Commissioners appointed for administering the Law for the Relief of the Poor in Ireland.

On Representation duly made to him, Lord Lieutenant in Council may restrain the opening of new Burial Grounds, and order Discontinuance of Burials in specified Places.

V. In case it shall appear to the Lord Lieutenant in Council, upon Representation duly made to him, that for the Protection of the Public Health the opening of any new Burial Ground in any City or Town or within any other Limits in Ireland, save with the Approval of the Lord Lieutenant, should be prohibited, or that Burials in any City or Town or within any other Limits, or in any Burial Grounds or Places of Burial, should be wholly discontinued, or should be discontinued subject to any Exception or Qualification, it shall be lawful for the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in Ireland, to order that no new Burial Ground shall be opened in any City or Town or within such Limits without such previous Approval, or (as the Case may require) that after a Time mentioned in the Order Burials in such City or Town or within such Limits, or in such Burial Grounds or Places of Burial, shall be discontinued, wholly, or subject to any Exceptions or Qualifications mentioned in such Orders, and so from Time to Time as Circumstances may require: Provided always, that Notice of such Representation, and

and of the Time when it shall please the Lord Lieutenant to order the same to be taken into consideration by the Privy Council, shall be published in the Dublin Gazette, and shall be affixed on the Doors of the Churches or Chapels of or on some other conspicuous Places within the Parishes affected by such Representation, *One Month* before such Representation is so considered.

Lord Lieutenant in Council may postpone Order for Discontinuance of Burials, &c.

VI. It shall be lawful for the Lord Lieutenant, by and with the Advice of the Privy Council, to postpone the Time appointed by any Order in Council for the Discontinuance of Burials, or otherwise to vary any Order in Council made under this Act, (whether the Time thereby appointed for the Discontinuance of Burials thereunder or other Operation of such Order shall or shall not have arrived,) as to the Lord Lieutenant in Council shall seem fit; and every Order of the Lord Lieutenant in Council made for varying any Order previously made under this Act shall be deemed valid and effectual in Law.

Penalty on Persons burying contrary to the Provisions of Orders in Council.

VII. If any Person, after the Time mentioned in any Order in Council under this Act for the Discontinuance of Burials, shall knowingly and wilfully bury any Body, or in anywise act or assist in the Burial of any Body, in any Church, Chapel, Churchyard, Burial Ground, or Place of Burial, or, as the Case may be, within the Limits in which Burials have by such Order been ordered to be discontinued, in violation of the Provisions of any such Order, every Person so offending shall, upon summary Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding *Ten Pounds*.

Saving of certain Rights to bury in Vaults.

VIII. Provided always, That, notwithstanding any such Order in Council, where, by virtue of any Faculty legally granted, or by Usage or otherwise, there is at the Time of the passing of this Act any Usage or Right of Interment in or under any Church or Chapel affected by such Order, or in any Vault of any such Church or Chapel, or of any Churchyard or Burial Ground affected by such Order, and where any exclusive Right of Interment in any such Burial Ground has been purchased or acquired before the passing of this Act, it shall be lawful for the Lord Lieutenant, from Time to Time, on Application being made to him, and on being satisfied that the Exercise of such Right shall not be injurious to Health, to grant a Licence for the Exercise of such Right, during such Time and subject to such Conditions and Restrictions as the Lord Lieutenant may think fit; but such Licence shall not prejudice or in anywise affect the Authority of the Ordinary, or of any other Person who if this Act had not been passed might have prohibited or controlled Interment under such Right, nor dispense with any Consent which would have been required under such Right, nor otherwise give to such Right any

greater Force or Effect than the same would have had if this Act had not been passed.

New Burial Grounds not to be opened contrary to Order in Council.

IX. Where by any such Order in Council it is ordered that no new Burial Ground shall be opened in any City or Town or within any Limits in such Order mentioned, without the previous Approval of the Lord Lieutenant, no new Burial Ground or Cemetery (parochial or non-parochial) shall be provided and used in such City or Town or within such Limits without such previous Approval.

No Corpse to be buried in Burial Ground, &c. unless at a certain Depth beneath the Ground.

X. No Corpse shall be buried in any Grave in any Burial Ground or Cemetery, not being a Vault, without at least *Fifty-four* Inches of Soil being left between the ordinary Surface of the Burial Ground or Cemetery and the upper Side of the Coffin; and after the Interment of a Corpse in any Grave in any Burial Ground or Cemetery no other Corpse shall be interred therein for the Space of *Ten* Years, except at the Request in Writing of some Relative of the Person who shall have been last interred therein; and every Person who shall act contrary to any of the Provisions of this Section shall be liable for every such Offence, on summary Conviction before Two Justices of the Peace, to a Penalty not exceeding *Ten Pounds*.

Upon Requisition of Ratepayers or Members of Burial Board, Meeting of Board to be convened to determine whether Burial Ground shall be provided.

XI. Although no Burial Ground has been closed by Order in Council, the Clerk of the Union in which any City, Town, or Place is situate, not being within the Limits of a Borough, and the Town Clerk of any Borough, shall be bound, upon the Requisition in Writing of Ten or more Persons assessed for the Relief of the Poor in such City, Town, or Place, or liable to the Payment of Borough Rate in such Borough respectively, or upon the Requisition in Writing of any Two or more Members of the Burial Board of such Union or Borough respectively, convene a Special Meeting of the Burial Board of such Union or Borough, for determining whether a Burial Ground shall be provided under this Act for such City, Town, or Place, or for such Borough respectively; and if a Majority of such Meeting shall resolve that a Burial Ground shall be provided under this Act for such City, Town, or Place, or Borough respectively, such new Burial Ground shall be provided, in the same Manner as if an old Burial Ground had been closed by Order in Council.

When Burial Grounds are closed by Order in Council, Board to provide suitable Burial Grounds, &c.

XII. Whenever any Burial Ground shall have been closed in any City, Town, or Place, or in any Borough respectively, by Order in Council, the Burial Board may, if it shall seem necessary or expedient, forthwith proceed to provide a suitable and convenient Burial Ground for such City, Town, or Place, or Borough respectively, and to make Arrangements for facilitating Interments therein, under the Provisions of this Act.

XIII. Any

Consent of Owners of Houses to new Burial Grounds, where necessary.

XIII. Any Burial Ground may be provided under this Act, either within or without the Limits of the City or Town or Borough for which the same is provided; but no Ground not already used as or appropriated for a Cemetery shall be appropriated as a Burial Ground, or as an Addition to a Burial Ground, under this Act, nearer than *One hundred* Yards to any Dwelling House, without the Consent in Writing of the Owner, Lessee, and Occupier of such Dwelling House.

Board may purchase Land for Cemeteries, or contract with Cemetery Companies.

XIV. For the providing such Burial Ground, it shall be lawful for the Burial Board to contract for and purchase or take any Lands, and Buildings thereon, for the Purpose of forming a Burial Ground, or for making Additions to any Burial Ground to be formed or purchased under this Act, as such Board may think fit, or to purchase from any Company or Persons entitled thereto any Cemetery or Cemeteries or Part or Parts thereof, subject to the Rights in Vaults and Graves and other subsisting Rights which may have been previously granted therein: Provided always, that it shall be lawful for such Board, in lieu of providing any such Burial Ground, to contract with any such Company or Persons entitled as aforesaid for the Interment in such Cemetery or Cemeteries, and either in any allotted Part of such Cemetery or Cemeteries or otherwise, and upon such Terms as the Burial Board may think fit, of the Bodies of Persons who would have had Rights of Interment in the Burial Grounds of such Parish or Place.

Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XV. The Lands Clauses Consolidation Act, 1845, except the Provisions of that Act "with respect to the Provisions to be made "for affording Access to the Special Act by all Parties interested," and "with respect to the Purchase and taking of Lands otherwise than "by Agreement," and "with respect to the Recovery of Forfeitures, "Penalties, and Costs," shall be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the "Undertaking," wherever used in the said Act, shall mean any Burial Board under this Act: Provided always, that the Provisions in the said Act "with respect to Lands acquired by the Promoters of the "Undertaking under the Provisions of this or the Special Act, or any "Act incorporated therewith, but which shall not be required for the "Purposes thereof," shall be held to apply only to such Lands or Portions thereof in which no Burial shall have taken place, and such Provisions shall not be restricted in Operation to any fixed Period after the Purchase of such Lands.

Liabilities of old Burial Grounds

XVI. Where any Burial Ground shall be closed under the Provisions of this Act, and a new Burial Ground provided in place thereof,

transferred to new Burial Grounds.

thereof, the whole Burthen upon and Liabilities attaching to the Burial Ground so closed shall be transferred to and become Burthens upon the Burial Ground provided in place thereof, and the Revenues of the new Burial Ground shall be liable for the same in like Manner as the Revenues of the Burial Ground so closed were liable.

Management to be vested in Burial Boards.

XVII. The general Management, Regulation, and Control of the Burial Grounds provided under this Act shall, subject to the Provisions of this Act and the Regulations to be made thereunder, be vested in and exercised by the respective Burial Boards providing the same: Provided always, that any Question which shall arise touching the Fitness of any Monumental Inscription placed or proposed to be placed in any Part or Portion of such Grounds shall be determined by the proper Ministers of the Religious Denomination to which such Part or Portion shall have been allotted: Provided also, that at the Burials of the Bodies of Members of the United Church of England and Ireland, or of the Roman Catholic Church, or of any other Religious Denomination, Burial Service according to the respective Rites of such Church or Denomination may be performed or celebrated by the proper Ministers of such Church or Denomination.

Boards may sell exclusive Rights of Burial, and Rights to erect Monuments, &c.

XVIII. Any Burial Board, under such Restrictions and Conditions as they think proper, may sell the exclusive Right of Burial, either in perpetuity or for a limited Period, in such Parts of any Burial Ground provided by such Board as may be appropriated to that Purpose, and also the Right of constructing any Chapel, Vault, or Place of Burial, with the exclusive Right of Burial therein, in perpetuity or for a limited Period, and also the Right of erecting and placing any Monument, Gravestone, Tablet, or Monumental Inscription in such Burial Ground, subject to the Provisions herein-before contained: Provided always, that such exclusive Rights shall not extend in all to a Space of *One Half* of such Burial Ground.

Boards may make Arrangements for facilitating the Conveyance of Bodies to Burial Grounds.

XIX. Any Burial Board may make such Arrangements as they may from Time to Time think fit for regulating and facilitating the Conveyance of the Bodies of the Dead from the Place of Death to any Burial Ground which shall be provided under this Act, subject to the Provisions of this Act and the Regulations to be made thereunder; and it shall be lawful for any of the aforesaid Cemetery Companies from whom the Burial Board shall have made any such Purchase, or with whom the Burial Board shall have made any such Contract as herein-before provided, to undertake any such Arrangement, and to carry the same into effect, subject to the Provisions and Regulations aforesaid.

XX. It

Places may be provided for Reception of Bodies until Interment.

XX. It shall be lawful for any Burial Board, subject to the Provisions of this Act and the Regulations to be made thereunder, to hire, take, or lease, or otherwise to provide, fit and proper Places in which Bodies may be received and taken care of previously to Interment, and to make Arrangements for the Reception and Care of the Bodies to be deposited therein; and for providing such Places such Boards may exercise all the Powers vested in them under this Act for providing Burial Grounds.

Lord Lieutenant in Council may make Regulations as to Burial Grounds, &c.

XXI. It shall be lawful for the Lord Lieutenant in Council from Time to Time to make such Rules and Regulations in relation to the Burial Grounds and Places of Reception of Bodies previous to Interment which may be provided under this Act as may seem proper for the Protection of the Public Health and the Maintenance of Public Decency, and for the proper Registry of Interments, and to provide for the Imposition and Recovery of Penalties not exceeding *Ten Pounds* for each Offence for the Breach or Nonobservance of such Regulations; and the Burial Boards, and all other Persons having the Care of such Burial Grounds and Places for the Reception of Bodies, shall conform to and obey such Regulations.

Exemption of Burials from Toll.

XXII. No Funeral Procession, or Carriage in such Procession, and no Foot Passenger, shall, while going to or returning from the Place of Interment on the Occasion of any Interment, be liable to any Toll or Pontage.

Board may lay out and embellish Burial Ground.

XXIII. It shall be lawful for any Burial Board to enclose, lay out, and embellish any Burial Ground provided by such Board, in such Manner as may be fitting or proper: Provided always, that in all Cases in which a Burial Board shall provide a new Burial Ground under this Act, it shall be lawful for such Burial Board, with the Sanction of the Lord Lieutenant, to divide such new Burial Ground or some Part thereof into certain Parts and Proportions, to be allotted in such Manner as to the Lord Lieutenant shall seem fit, for the Burial of the Members of any particular Religious Denomination; and each such Allotment shall, as the Case may require, be consecrated according to the Rites and by the proper Ministers of the respective Religious Denominations for which each such Allotment is so set apart.

Board to fix Payments for Interments in Burial Grounds.

XXIV. Every Burial Board under this Act shall, subject to the Approval of the Lord Lieutenant, fix and receive such Fees and Payments in respect of Interments in any Burial Ground provided by such Board as they shall think fit, and from Time to Time revise and alter such Fees and Payments; and a Table showing such Fees and

Payments shall be printed and published, and shall be affixed and at all Times continued on some conspicuous Part of such Burial Ground.

Minutes of Proceedings of Board to be entered in a Book.

Board to keep Accounts, which shall be open to Inspection.

XXV. Minutes of all Proceedings of the Burial Board under this Act, with the Names of the Members who attend each Meeting, shall be kept; and the Burial Board shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money are paid and such Liabilities incurred; and all such Books shall at all reasonable Times be open to the Examination of every Member of the Burial Board and Ratepayer, without Fee, and they may take Copies of or Extracts from such Books or any Part thereof, without paying for the same.

Board may appoint and remove Officers, &c.

XXVI. The Burial Board may appoint and may remove at Pleasure a Clerk and such other Officers and Servants as shall be necessary for the Business of the Board in respect of or for the Purposes of their Burial Ground, and may appoint reasonable Salaries, Wages, and Allowances for such Clerk, Officers, and Servants, and, when necessary, may hire a sufficient Office for transacting the Business of such Burial Board; and the Provisions and Clauses of "The Commissioners Clauses Act 1847," with respect to the "Appointment and "Accountability of the Officers of the Commissioners," shall, so far as the same are not varied by or inconsistent with the Provisions of this Act, be incorporated therewith; and the Commissioners in the said Act shall signify the "Burial Board" under this Act.

Register of Burials to be kept in every Ground provided under this Act.

XXVII. All Burials within any Burial Ground provided under this Act shall be registered in a Register Book to be provided by the Burial Board providing such Ground, and kept for that Purpose; and such Register Book shall be so kept by some Officer appointed by the said Board to do that Duty; and in such Register Book shall be distinguished in what Parts of the Burial Ground the several Bodies (the Burials of which are entered in such Register Book) are buried; and such Register Book, or Copies or Extracts thereof, or purporting to be Copies or Extracts thereof, shall be received in all Courts as Evidence of the Burials entered therein.

Public Works Loan Commissioners may advance Money for the Purposes of this Act.

XXVIII. The Commissioners for carrying into execution an Act of the Fourteenth and Fifteenth Year of Her present Majesty, Chapter Twenty-three, intituled "An Act to authorize for a further Period "the Advance of Money out of the Consolidated Fund to a limited "Amount, for carrying on Public Works and Fisheries and Employ-

"ment

" ment of the Poor," and any Act or Acts amending the same, may from Time to Time, if they shall so think fit, make to the Burial Board of any Borough or Place for the Purposes of this Act any Loan, under the Provisions of the recited Act or the several Acts therein recited or referred to, upon Security of the Assessments for the Relief of the Poor of the Union, or the Borough Fund, or Rates in this Act mentioned.

Expenses of Act to be defrayed by a separate Rate.

XXIX. For the Purpose of defraying the Expenses incurred in the Execution of this Act, or paying any Money borrowed for such Purpose, or any Interest thereon, the Guardians of every Union who shall be appointed the Burial Board of such Union or any Part thereof, under the Provisions of this Act, shall from Time to Time make and levy such Rates as may be necessary on every Occupier of rateable Hereditaments in or arising within such Union or any Part thereof, not being within the Boundaries or Limits of any Borough as defined by this Act; and all Rates so made under this Act by the Guardians of such Union shall be applotted, assessed, and levied on such Union, or on such Electoral Division situate in such Union, and wholly or partly on the Parishes for which any new Burial Ground shall have been provided under this Act, as the Poor Law Commissioners for Ireland shall by any Order in that Behalf direct, and shall be applotted, assessed, and levied as if the Sums so payable were Sums to be applotted, assessed, and levied for the Purpose of carrying into execution the Laws for the Relief of the destitute Poor in Ireland; and all Monies borrowed by the Guardians of such Unions for the Purposes of this Act, or any Interest thereon, shall be secured upon the Rates authorized to be made by the Guardians of such Union by this Act; and any Money required to be raised in any Borough or Town in which a Board of Municipal Commissioners shall have been elected, as herein-before mentioned, for defraying such Expense, or paying any Money borrowed under this Act by the Council of such Borough, or the Municipal Commissioners or Town Commissioners of such Town, or any Interest thereon, by means of a Rate levied in such Borough or Town, shall be raised by a separate Rate to be levied within such Borough or Town; and the Council of such Borough and the Municipal Commissioners of such Town shall have all such Powers for making and levying such Rate respectively, and all Provisions shall be applicable in respect thereof, as in the Case of any Borough Rate or Improvement Rate authorized to be made therein under the Provisions of the respective Acts of Parliament under which the Council of such Borough or the Municipal Commissioners of such Town are constituted: Provided always, that such Rates shall be levied wholly or partly in the Parishes within such Borough or Town for which any new Burial Ground shall have been provided

under this Act, as the Lord Lieutenant in Council shall by any Order in that Behalf direct; and provided also, that when the Amount of the Rates to be assessed by the Council of such Borough or the Municipal Commissioners or Town Commissioners of such Town are limited by Law to a certain rateable Amount, such Limitation shall not apply or extend to Expenses incurred for carrying this Act into execution; and it shall be lawful for the Council of such Borough or the Municipal Commissioners or Town Commissioners of such Town to charge the Expenses under this Act in addition to the other Borough or Town Rates respectively; and all Monies borrowed by the said Council or the said Commissioners under this Act, or any Interest thereon, shall be charged upon the Rates authorized to be levied by the said Council or Commissioners respectively by this Act.

Guardians or Council may appropriate Lands for Purposes of Act.

XXX. It shall be lawful for the Guardians of any Union or the Council of any Borough to appropriate for the Purposes of this Act any Land belonging to the Board of Guardians of such Union or to the Body Corporate of such Borough respectively, or vested in any Feoffees, Trustees, or others for the general Benefit of the Union or Borough respectively, or any specific Charity: Provided always, that when any Land so appropriated shall be subject to any Charitable Use such Land shall be taken on such Conditions only as the Court of Chancery, in the Exercise of its Jurisdiction over Charitable Trusts, shall appoint and direct.

Certain Provisions of 10 & 11 Vict. c. 65. incorporated with this Act.

XXXI. The Provisions of "The Cemeteries Clauses Act, 1847," with respect to the Protection of the Cemetery, shall be incorporated with this Act, and be applicable to any Burial Ground provided under this Act; and the Words "The Company" in "The Cemeteries Clauses Act, 1847," shall signify the "Burial Board" under this Act: Provided always, that any Penalty thereby imposed shall be enforced and recovered under the Provisions of the "Petty Sessions (Ireland) Act, 1851," except when the Act or Offence in respect of which such Penalty shall have been incurred shall have been committed within the Jurisdiction of the Justices of the Police District of Dublin Metropolis, in which Case such Penalty shall be enforced and recovered under the Provisions of the Acts relating to such Police Districts.

Burial Boards may borrow Money for laying out Burial Ground, &c., and charge

XXXII. Every Burial Board under this Act may, with the Consent of the Lord Lieutenant, borrow any Sum of Money not exceeding such Sum as the Lord Lieutenant may sanction and appoint, required for providing, laying out, and embellishing any Burial Ground under this Act, or any such Purposes, and may charge the future Assessments or Rates respectively under this Act with the Payment

Payment of such Money, and Interest thereon not exceeding *Six* per Cent.; provided that there shall be paid in every Year, in addition to the Interest of the Money borrowed and unpaid, not less than *One Twentieth* of the Principal Sum borrowed, until the whole is discharged.

same on Rates to be levied under this Act.

XXXIII. Any Burial Board acting under this Act may, if they think fit, borrow Money in order to pay off and discharge any Security or Securities, and secure the Repayment of the Money so borrowed, and the Interest to be paid thereon, in like Manner as other Monies authorized to be borrowed by such Burial Board under this Act.

Money may be borrowed to pay off Securities.

XXXIV. No Land already or hereafter to be purchased or acquired under the Provisions of this Act, for the Purpose of a Burial Ground (with or without any Building erected or to be erected thereon), shall, while used for such Purposes, be assessed to any County, Parochial, or other local Rates at a higher Value or more improved Rent than the Value or Rent at which the same was assessed at the Time of such Purchase or Acquisition.

Assessment to local Rates not to be increased after Purchase for the Purposes of this or any former Act.

XXXV. It shall be lawful for any Burial Board, with the Sanction of the Lord Lieutenant, and subject to Regulations approved of by him, to let any Land purchased by and vested in them under this Act, and which has not been consecrated, and in which no Body has been at any Time interred, and which is not for the Time being required for the Purposes of a Burial Ground, in such Manner and on such Terms as such Board may see fit, but, so, nevertheless, that Power shall be reserved to such Board to resume any such Land which may be required for the Purposes aforesaid, upon giving *Six* Months Notice.

Burial Board may let Land not required for Burials.

XXXVI. In every Case in which any Order in Council has been or shall hereafter be issued for the Discontinuance of Burials in any Churchyard or Burial Ground, the Burial Board shall maintain such Churchyard or Burial Ground in decent Order, and also do the necessary Repair of the Walls and other Fences thereof; and the Costs and Expenses shall be repaid out of the Rates by this Act authorized, unless there shall be some other Fund legally chargeable with Costs and Expenses.

Burial Board to keep in order closed Burial Grounds, &c.

XXXVII. This Act shall extend to Ireland only.

Act to extend only to Ireland.

Burial Grounds (Ireland).

A

BILL

To amend the Laws relating to the Burial of the Dead in Ireland.

(*Prepared and brought in by Mr. Horsman, Mr. Attorney General for Ireland, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 4 *February* 1856.

[Bill 8.]

Under 2 oz.

25 February 1856. 19 Vict.

A

BILL

TO

Appropriate the Income of such One of the Canonries of the Cathedral Church of Carlisle as shall next fall vacant to the Augmentation of certain Ecclesiastical Incumbencies in that City.

WHEREAS the Population of the City of Carlisle is large and increasing: And whereas the Cure of Souls of the Inhabitants of the said City is committed exclusively to the Incumbents of the several Churches, Parishes, and Ecclesiastical Districts of Saint Cuthbert, Saint Mary, Trinity Church, and Christ Church, all in the said City: And whereas the annual Stipends or Incomes of the said several Incumbents are small and inadequate, and in order to promote the spiritual Interests of the said Inhabitants it is expedient to augment the same out of Funds now belonging to the Dean and Chapter of the Cathedral Church of the said City (the Rectors Impropriate of the said Parishes of Saint Cuthbert and Saint Mary), and payable to them by the Ecclesiastical Commissioners for England, under an Order of the Queen's most Excellent Majesty in Council, bearing Date the Tenth Day of November One thousand eight hundred and fifty-two, and for this Purpose to suspend the Preamble.

Canonry of the said Cathedral which shall next fall vacant, and appropriate the Income thereof as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Canonry which shall first fall vacant to be suspended, and the Income divided between certain Incumbents.

I. The Canonry in the said Cathedral which shall first fall vacant after the *passing of this Act* shall be suspended, and the annual Income and Emoluments attached to the same shall be equally divided between the Incumbents of Saint Cuthbert's, Saint Mary's, Trinity Church, and Christ Church, in the said City, and their Successors.

Ecclesiastical Commissioners to pay to Incumbents the Income of Canonry.

II. It shall be lawful for the said Ecclesiastical Commissioners, and they are hereby empowered and required, from and after the Suspension of the said Canonry as herein-before provided, to pay over, yearly and every Year, in equal Shares, to the said Incumbents and their Successors, all such Monies as would if this Act had not been passed have been payable by them to the Person holding the said suspended Canonry.

In case the Money Payment now made to Dean and Chapter should be exchanged for Landed Estates, a Portion of the Rents to be paid to the said Incumbents.

III. And whereas under an Arrangement made by the said Commissioners, and confirmed by the Order in Council herein-before mentioned, the Money Payment now made to the said Dean and Chapter may hereafter be exchanged for Landed Estates, to be conveyed to and vested in the said Dean and Chapter: Be it enacted, That from and after the Transfer and vesting of the said Estates so much of the Rents and annual Proceeds and Profits thereof as would if this Act had not been passed have been payable to the Person holding the said suspended Canonry shall be paid, yearly and every Year, in equal Shares, to the said Incumbents and their Successors, any Law or Statute, Order or Usage, to the contrary in anywise notwithstanding.

A

BILL

To appropriate the Income of such One of the Canonries of the Cathedral Church of Carlisle as shall next fall vacant to the Augmentation of certain Ecclesiastical Incumbencies in that City.

(*Prepared and brought in by Mr. Ferguson, Mr. Marshall, and Mr. Charles Howard.*)

Ordered, by The House of Commons, *to be Printed,* 25 *February* 1855.

[Bill 48.]

Under 1 *oz.*

14 *March* 1856. 19 Vict.

A

BILL

TO

Make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton.

Preamble

WHEREAS it is expedient, for the Advancement of Religion and Learning, to enlarge the Powers of making and altering Statutes, Ordinances, and Regulations now possessed by the University of Cambridge and the Colleges thereof, and to make and enable to be made further Provision for the Government and for the Extension of the said University, and for the Abrogation of Oaths now taken therein, and otherwise for maintaining and improving the Discipline and Studies and the good Government of the said University of Cambridge and the Colleges thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of Commissioners.

I. The several Persons herein-after named, (that is to say,) the Right Reverend John Lord Bishop of Lichfield, the Right Reverend John Lord Bishop of Chester, the Right Honourable Edward Henry Stanley, commonly called Lord Stanley, the Right Honourable Matthew Talbot Baines, Vice Chancellor Sir William Page Wood, Knight, Sir Laurence Peel, Knight, the Very Reverend

George Peacock, Dean of Ely, and the Reverend Charles John Vaughan, Doctor in Divinity, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal, and *Three* of the said Commissioners shall be a Quorum, and the Commissioner appointed or acting as Chairman shall have a Second or Casting Vote when the Votes of the said Commissioners shall be equally divided.

Duration of Powers of Commissioners.

II. The Powers hereby conferred on the Commissioners shall be in force until the *First Day of January One thousand eight hundred and fifty-nine*, and it shall be lawful for Her Majesty, if She shall think fit, by and with the Advice of Her Privy Council, to continue the same until the *First Day of January One thousand eight hundred and sixty*, and no longer.

Vacancy in Number of Commissioners.

III. If any Vacancy occurs in the Number of such Commissioners, by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

Commissioners empowered to require Production of Documents, &c.

IV. In the Exercise of the Authorities hereby vested in the Commissioners they shall have Power to require from any Officer of the University of Cambridge or of any College therein the Production of any Documents or Accounts relating to such University or College, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof respectively; and no Oath which may have been taken by any such Officer shall be a Bar to any Authorities of the said Commissioners.

Constitution of the University.

Establishment of Council of the Senate.

V. Upon the *Sixth Day of November One thousand eight hundred and fifty-six* all Powers, Privileges, and Functions now possessed or exercised by the Caput Senatus of the said University shall cease, and upon the *Seventh Day of the said Month of November One thousand eight hundred and fifty-six* there shall be elected in manner herein-after mentioned a Council, which shall be called the Council of the Senate, and which shall consider and prepare all Graces to be offered to the Senate, whether proceeding from individual Members of the Senate or from Syndicates, and no Grace shall be offered to the Senate without the Sanction of the major Part of those voting upon it in the Council.

Composition of Council.

VI. The Council of the Senate shall consist of the Chancellor, the Vice-Chancellor, Four Heads of Colleges, Four Professors of the University, and Eight Members of the Senate, such Heads of Colleges, Professors, and Members of the Senate to be elected by the Persons whose Names shall be on the Electoral Roll herein-after mentioned: Provided always, that there shall never be more than Two Members of the same College among such last-mentioned Eight elected Members:

Members: Provided also, that nothing herein contained shall be held to prevent the Head of any College, who is a Professor, from being returned or continuing to sit in the Council as One of the Four Members elected as Professors, or to prevent the Head of a College or a Professor from being returned or continuing to sit as One of the Eight Members of the Senate not elected as Heads of Colleges or Professors; and if any Person shall be elected a Member of the Council in Two or more Classes he shall, when he first takes his Seat in the Council, declare in which Class he elects to be a Member, and thereupon his Seat in the other Class shall be vacant.

Vice-Chancellor to promulgate Lists of Members of Senate.

VII. The Vice-Chancellor shall on *Monday the Thirteenth Day of October One thousand eight hundred and fifty-six*, and so on the *Second Monday in October* in every Year, cause to be promulgated, in such Way as may to him seem expedient for the Purpose of giving Publicity thereto, a List of the Members of the Senate, whom he shall ascertain to have resided within *One Mile and a Half* of Great Saint Mary's Church for *Twenty* Weeks at the least between the First Day of the preceding Michaelmas Term and the First Day of the said Month of October.

Lists may be objected to and amended.

VIII. The Vice-Chancellor shall at the same Time fix some convenient Time and Place, not more than *Fourteen* nor less than *Seven* Days from the Time of such Promulgation, for publicly hearing Objections to the said List, which any Member of the Senate may make on the Ground of any Person being improperly placed on or omitted from the said List; and if any such Objections shall appear to the Vice-Chancellor to be well founded, he shall correct the said List accordingly, and he shall thereupon sign and promulgate the said List, which shall thenceforth be the Electoral Roll for the Year thence next ensuing, and until a new Roll shall in like Manner have been promulgated.

Periodical vacating of Seats.

IX. Two of the Heads of Colleges, Two of the Professors, and Four of the other Members of the Council to be elected on the *Seventh Day of November One thousand eight hundred and fifty-six* shall be elected to hold Office for *Two* Years only, and shall vacate their Seats at the End of *Two* Years, and the other Members of the Council to be then elected shall hold Office for *Four* Years, and shall vacate their Seats at the End of *Four* Years; and the Election of the Two Heads of Colleges, Two Professors, and Four other Members of the Council, who are to hold Office for *Two* Years only, shall be made separately from the Election of the other Heads of Colleges and Professors and other Members of the Council.

Supply of periodical Vacancies.

X. The Places of the Members of the Council vacating their Seats shall be supplied by a new Election, to be made on the *Seventh of November*, or in case the *Seventh of November* should be Sunday, on the *Eighth of November* in every other Year, in the same Manner as is herein-before prescribed as to the Election to take place on the *Seventh Day of November One thousand eight hundred and fifty-six*, save only that all Members of the Council to be then elected shall be elected to hold Office for *Four* Years; and all Members so vacating their Seats shall (if otherwise eligible) be capable of Re-election.

Members may be re-elected.

Filling up of casual Vacancies.

XI. Any casual Vacancy occurring by Death, Resignation, or otherwise among the Members of the Council shall be filled by the Election of a qualified Person, according to the Directions of this Act, upon a Day not later than *Twenty-one* Days, or sooner than *Seven* Days after such Occurrence, to be fixed by the Vice-Chancellor and publicly notified by him; but if such Vacancy shall occur during Vacation the Occurrence shall be deemed for the Purpose of such Notice to have taken place on the First Day of the ensuing Term; and the Person so elected shall be subject to the same Rules and Conditions as to the Tenure of Office, and in all other respects, as the Person to whose Place he succeeds would have been subject to if no such Vacancy had taken place.

Votes of Electors.

XII. In all Elections of Members of the Council every Elector may vote for any Number of Persons, being Heads of Colleges, Professors, or Members of the Senate as aforesaid respectively, not exceeding the Number of Heads of Colleges, Professors, or Members of the Senate respectively to be then chosen; and in case of an Equality of Votes for any Two or more of such Heads of Colleges, Professors, or Members of the Senate respectively, the Vice-Chancellor shall name from amongst those Persons for whom the Number of Votes shall be equal, as many as shall be requiste to complete the requisite Number of Heads of Colleges, Professors, or Members of the Senate to be chosen.

Absence from Meetings to create a Vacancy.

XIII. If any Member of the Council, other than the Chancellor or the Vice-Chancellor, shall have been absent from all the Meetings of the Council during Two successive Terms, his Seat shall at the Close of the Second of such Terms become and shall be declared by the Vice-Chancellor to be vacant.

Vice-Chancellor's Seat not vacant.

XIV. If any Member of the Council shall become Vice-Chancellor his Seat shall not thereby become vacant, nor shall the Seat of any Member of the Council become vacant by reason that after his Election

Election he may have become or may have ceased to be a Professor or a Head of a College: Provided always, that if any Member of the Council shall cease to be a Member of the Senate, his Seat shall thereupon become and be declared to be vacant. Proviso.

XV. No Professor shall be ineligible for the Council by reason of anything contained in the Statutes of his Foundation. Professors eligible.

XVI. The Vice-Chancellor shall, before the *Tenth Day of October One thousand eight hundred and fifty-six*, make and promulgate all such Regulations as to the voting for, Election, Resignation, and Return of Members of the Council, as may be necessary for the Election and assembling of the Council according to this Act, and for keeping the Number of such Council complete, and shall appoint the Time and Place at which they shall assemble; and if the Vice-Chancellor fails to comply with the Provisions of this Section, the Commissioners shall thereupon make such Regulations in respect of the Matters aforesaid as they may think fit. Vice-Chancellor to make Regulations respecting Council.

XVII. Subject to the Provisions of this Act, and without Prejudice to the Rights of the Senate in the making of Statutes, Regulations, and Ordinances for the University of Cambridge, the Council shall have Power from Time to Time to make Rules for the Regulation of its own Proceedings, and to revise or alter the Regulations herein-before directed to be made by the Vice-Chancellor, or, in the Case of his failing to do so, by the Commissioners, and also to appoint from their own Body Syndicates for the Purposes of examining and disposing of all Supplicats for Degrees, and examining all other Questions referred to them by the said Council. Power to Council to make Rules for Regulation of its own Proceedings.

XVIII. The Council shall meet for the Despatch of Business on the *Eighth Day of November One thousand eight hundred and fifty-six.* Date of Meeting.

XIX. The President of the Council shall be the Chancellor, or in his Absence the Vice-Chancellor, or a Member of the Council appointed by the Vice-Chancellor to act as his Deputy, or if at any Council duly convened and assembled neither the Chancellor nor the Vice-Chancellor nor any Deputy so appointed shall be present, then some Member to be chosen by the Members of the Council then assembled. Who shall be President of the Council.

XX. No Business shall be transacted in the Council unless *Five* Members at least be present; and all Questions in the Council shall be decided by the Majority of the Votes of the Members present, and the President shall have a Second or Casting Vote when the Votes are equally divided: Provided always, that in case of a Difference of Opinion Quorum of Council. Questions in the Council to be decided by the Majority.

between the Chancellor or the Vice-Chancellor, or his Deputy, and the Majority of the Members present at any Meeting of the Council, the Question as to which such Difference may exist shall not be deemed to be carried by such Majority unless the same shall constitute a Majority of the whole Council, but in such Case the Question shall be adjourned to the next Meeting of the Council, and such adjourned Question shall be finally decided by the Majority of the Members of Council then present.

Council to nominate to Offices.

XXI. The Council shall nominate Two qualified Persons to the Senate, of whom the Senate shall choose One in the Manner heretofore accustomed to fill every vacant Office in the University, to which the Heads of Colleges have heretofore nominated Two Persons to the Senate; provided always, that the Persons nominated as aforesaid to the Office of Vice-Chancellor shall be Heads of Colleges.

Certain Oaths illegal.

XXII. Every Oath directly or indirectly binding the Juror—

Not to disclose any Matter or Thing relating to his College, although required so to do by lawful Authority;

To resist or not concur in any Change in the Statutes of the University or College;

To do or forbear from doing anything the doing or the not doing of which would tend to any such Concealment, Resistance, or Non-concurrence;

shall from the Time of the passing of this Act not be an Oath legally binding the Juror, and no such Oath shall hereafter be administered or taken.

Power to Vice-Chancellor to license Members of the Senate to open their Residences for Reception of Students;

XXIII. Any Member of the Senate, of such Standing and Qualifications as may be provided by any Statute hereafter to be made, may obtain a Licence from the Vice-Chancellor to open his Residence, if situate within *One Mile and a Half* of Great Saint Mary's Church, for the Reception of Students, who shall be matriculated and admitted to all the Privileges of the University, without being of necessity entered as Members of any College; but no such Licence as aforesaid shall be granted by the Vice-Chancellor until such Regulations as are herein-after mentioned have come into operation.

who shall be called Licensed Masters.

XXIV. Every Person to whom such Licence is granted shall be called a Licensed Master, and his Residence so opened as aforesaid shall be called a Private Hall.

Power of University to make Statutes as to Private Halls.

XXV. The University, before the *First Day of January One thousand eight hundred and fifty-eight*, may proceed by Statute—

To fix the Terms and Conditions of granting Licences to Licensed Masters, and the Qualifications of such Masters:

To

To make Regulations for the Government of Private Halls, the Discipline of the Students therein, and their Status in the event of the Death or Removal of any such Licensed Master, or the Withdrawal or Suspension of his Licence:

To make Provision for punishing Neglect or Breach of Regulation on the Part of a Licensed Master by the Withdrawal or Suspension of his Licence, and on the Part of any Students by such reasonable Penalties or other Punishments as the University may think fit; but no such Statute shall be of any Force or Effect unless and until it shall have been approved in the Manner herein-after mentioned.

If University omit to frame Statutes, &c., it shall be incumbent on Commissioners to do so.

XXVI. If the said University shall not, on or before the *First Day of January One thousand eight hundred and fifty-eight*, have framed, and submitted for the Approval of the Commissioners, such Statutes as may in the Opinion of the said Commissioners be sufficient for carrying into effect the Objects of this Act with respect to the Establishment and Regulation of Private Halls, the Commissioners shall forthwith proceed to frame Statutes in that Behalf.

Colleges to have power to frame Statutes.

XXVII. It shall be lawful for the Governing Body of any College, at any Time before the *First Day of January One thousand eight hundred and fifty-eight*, without Prejudice to any existing Interest of any Member of such College, and notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment either of such College or of any Fellowship, Bye-fellowship, or Scholarship attached thereto, to make Statutes for the Purposes following; (that is to say,)

1. For altering and amending the College Statutes respecting the Eligibility of Persons to the Headship or the Fellowships or other College Emoluments, respecting the Election and the Electors to such Headship, Fellowships, and Emoluments, and the Duration and Conditions of the Tenure of such Fellowships and Emoluments, so as to insure such Fellowships and Emoluments being conferred according to personal Merits and Fitness, and being retained for such Periods as are likely to conduce to the better Advancement of the Interests of Religion and Learning, and for the aforesaid Purposes to modify or abolish any Right of Preference:
2. For altering or abolishing the Oaths or any of them required to be taken by the Statutes of the College:
3. For re-distributing or apportioning the divisible Revenues of the College:
4. For rendering Portions of the College Property or Income available to Purposes for the Benefit of the University at large:

5. For the Consolidation, Division, or Conversion of Emoluments, including therein the Conversion of Fellowships or Scholarships attached to Schools into Scholarships or Exhibitions so attached, or either partly so attached and partly open, or altogether open, and of Fellowships otherwise limited into Scholarships or Exhibitions either subject or not subject to any similar or modified Limitation:
6. For the Creation of a sufficient Number of Open Scholarships either by Conversion of Fellowships or otherwise:
7. For incorporating Bye-fellowships with the original Foundation either in reduced Number or otherwise:
8. And generally for making further Provision for maintaining and improving the Discipline, Studies, and good Government of such College, and for amending the Statutes, Ordinances, and Regulations thereof from Time to Time:

But all Statutes so made by the Governing Body of such College shall be of no Force or Effect until they shall have been approved in the Manner herein-after mentioned.

Power to sever Benefices from Headship.

XXVIII. And whereas it is expedient, where certain Benefices with Cure of Souls are annexed to Headships of Colleges, to enable the Colleges to put an end to such Annexation: Be it enacted, That it shall be lawful for any College, at any Time before the *First Day of January One thousand eight hundred and fifty-eight*, without Prejudice to any existing Interest of any Member thereof, and notwithstanding anything contained in any Act of Parliament, or in any Deed or Instrument whatever, to make Statutes for putting an end to such Annexation, and either for selling such Benefices or for adding them to the Number of those already in the Patronage of the College, and for making adequate Compensation out of its Revenues to the Head of the College for the consequent Diminution of his Income: Provided always, that all such Statutes shall be laid before the Commissioners, who shall have Power, by writing under their Common Seal, to approve of or reject the same, and to remit the same from Time to Time for further Consideration or Revision, with Amendments or Alterations therein.

When Colleges omit to make Statutes Commissioners may frame Ordinances.

XXIX. If the Powers herein-before granted to shall not be exercised by any College, or shall not be exercised to such Extent as the Commissioners may deem expedient, and no Statute for effecting the Objects of such Powers, or no Statute which the said Commissioners may deem sufficient for that Purpose, shall be submitted by the Governing Body of such College to the Commissioners, and approved of by them, before the *First Day of January One thousand eight hundred and fifty-eight*, it shall be lawful for the Commissioners to frame such Statutes or such further Statutes as

as shall appear to them to be expedient for the Purpose of effecting or promoting the Objects which the College is herein-before empowered to effect or promote; and all such Statutes, if sanctioned and confirmed as herein-after required, shall take effect as Statutes of such College, notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment thereof: Provided always, that all such Statutes, when properly settled by the Commissioners, shall be laid before the College to which the same relate, and the Visitor thereof, *Two* Calendar Months before the same are submitted to Her Majesty in Council as herein-after directed; and if within the said Period of *Two* Calendar Months *Two Thirds* of the Governing Body of the said College shall by Writing under their Hands and Seal declare that in their Opinion any One or more of such Statutes will be prejudicial to the said College as a Place of Learning and Education, then such Statute or Statutes shall not take effect, but it shall be lawful for the Commissioners to frame and submit another Statute or other Statutes for the like Purpose to the said College, and so on as often as Occasion shall require.

University may frame new Statutes.

XXX. The Council of the Senate may frame new Statutes,—

1. For repealing, altering, or adding to any of the existing Royal Statutes of the University:
2. Or for altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment held or enjoyed by the University, or by any Professor, Lecturer, Reader, Preacher, or Scholar therein, or the Endowment of Lady Sadler for Lecturers in the several Colleges, or the Endowment of the Offices of Christian Preacher and Christian Advocate, when it shall appear to the Council that the Interests of Religion and Learning may be better advanced by such Alteration or Modification:

And all such Statutes shall be submitted to the Senate by way of Grace for their Adoption or Rejection; but no such Statute shall be of any Force or Effect until it shall have been assented to by the Commissioners under their Seal, and shall have been approved by Her Majesty by an Order in Council as herein-after mentioned.

Commissioners may frame University Statutes.

XXXI. If no new Statute for any of the Purposes in the next preceding Section of this Act mentioned shall be submitted to the Commissioners for their Assent as aforesaid, or if any such new Statute for such Purpose shall not be approved by the Commissioners, and shall not be assented to by them, the Commissioners, after the *First Day of January One thousand eight hundred and fifty-eight*, may frame Statutes for such Purpose, and such Statutes shall be laid before Her Majesty in Council in the Manner herein-after directed.

Right of Preference belonging to Schools not to be abolished in certain Cases if Governors of Schools or Charity Commissioners dissent therefrom.

XXXII. If in the Execution of the Powers of this Act it shall be proposed by the Governing Body of any College or by the Commissioners to make any Statute for the Abolition of any Right of Preference in Elections to any Emolument within any College now lawfully belonging to and enjoyed by any School or other Place of Education beyond the Precincts of the University individually named or designated in any Statute, Deed of Composition, or other Instrument of Foundation or Endowment, or for the Conversion of any Fellowship or Scholarship attached to such School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, Notice thereof shall be given in Writing to the Governing Body of every such School or Place of Education, and also to the Commissioners appointed under "The Charitable Trusts Act, 1853," at least *Two* Calendar Months before any final Resolution for that Purpose shall be adopted by such College or by the Commissioners; and in Cases where it is proposed by such Statute to abolish any Right of Preference in Elections to any Emolument other than a Fellowship, or to convert any Fellowship or Scholarship attached to any School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, no such Statute shall be made if within *Two* Calendar Months after receiving such Notice *Two Thirds* of the said Governing Body, or if there shall be several Schools interested in such Right of Preference then *Two Thirds* of the aggregate Body composed of the several Governing Bodies of such Schools, or the said Commissioners appointed under "The Charitable Trusts Act, 1853," shall by Writing under their Hands and Seals declare their Opinion that such Statute would be prejudicial to such School or Place of Education as a Place of Learning and Education: Provided always, nevertheless, that every such Right of Preference, when retained, shall be subject to all such Statutes as may be made by the Governing Body of any College, or by the Commissioners, under the Powers given by this Act, for the Purpose of making such Emolument more conducive to the mutual Benefit of such College and such School or Place of Education as aforesaid, or of throwing the same open to general or extended Competition upon any Vacancy for which no Candidate or Claimant of sufficient Merit may offer himself from any School or Place of Education so entitled as aforesaid: Provided also, that where the Governing Body of any such School as aforesaid shall be a Corporate Body the Governing Body of the Corporation shall be deemed the Governing Body of the School; and when any Right of Preference shall belong to any School contingently only upon the Failure of fit Objects from some other School or Schools entitled to and in the Enjoyment of a prior Right of Preference, then and in such Case the Power of Dissent hereby given shall only belong to the Governing Body or Governing Bodies

Bodies of the School or Schools entitled to and in the Enjoyment of the First Right of Preference; and if in any College where Fellowships are tenable by Undergraduates either the College or the Commissioners acting in respect thereof shall divide its Fellowships into Elder and Younger, the Elder only shall be taken to be Fellowships within the Meaning of this Section.

Notice served on the Principal of any School to be sufficient Notice to the Governing Body.

XXXIII. Where any such Notice in Writing as aforesaid is required to be given to the Governing Body of any School or Place of Education, such Notice, if served on the Master or Principal of any such School or Place of Education, shall be deemed and taken to be a sufficient Notice to the Governing Body of the same School or Place of Education for all the Purposes of this Act.

Statutes, Ordinances, and Regulations objected to by Governing Body of College, &c. to be laid before Parliament.

XXXIV. All Statutes framed by the Commissioners, and objected to by *Two Thirds* of the Governing Body or Bodies of the College, School, or Schools to which the same respectively relate, or by the said Commissioners appointed under the Charitable Trusts Act, 1853, shall, in all Cases where new Statutes shall not have been substituted under the Provisions of this Act for such as shall have been so objected to, be embodied in a Report to be transmitted forthwith to One of Her Majesty's Principal Secretaries of State, and laid before the Two Houses of Parliament.

Regulations as to Scholarships in Trinity College appropriated to Westminster School.

XXXV. And whereas by the Statutes of Trinity College and the Laws and Practice of Westminster School certain Scholarships in the said College have been annually appropriated to Scholars of the said School elected therefrom: Be it enacted, That the Governing Body of the said College, with the Sanction of the Dean and Chapter of Westminster, signified by Writing under their Common Seal, may make and lay before the said Commissioners any Regulations which to such College may seem fit for abolishing the said Preference of the said School, and for converting the said Scholarships into open Scholarships, and for enabling the said College to receive annually from the said School any Number of Exhibitioners not exceeding *Three* in any One Year, and may charge the Revenues of the said College with an annual Sum of *Forty Pounds* for each of such Exhibitioners for or towards his Maintenance from the Time of his commencing his Residence in the said College, and during such Residence until by the Statutes of the University he shall be qualified to apply for the Degree of Bachelor of Arts, and may frame Regulations as to the Studies to be prosecuted in the said School, the Mode of electing the Head Master and Under Master thereof, the Persons by whom and the Mode in which the Election of such Exhibitioners shall be made, and generally as to the Conditions on

which such Exhibitions shall be held and enjoyed; and the said Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Regulations: Provided always, that no such Exhibition shall be held for more than *Three Years and a Quarter*, and no such Exhibitioner shall by holding such Exhibition be disqualified from being elected a Scholar of the said College.

Regulations as to the Grindal Fellowship and Grindal Scholarships at Pembroke College.

XXXVI. And whereas certain Scholarships at Pembroke College, called the Grindal Scholarships, have heretofore been appropriated to Scholars educated at the Free Grammar School of Saint Begh's in the County of Cumberland, and a certain Fellowship at the said College, called the Grindal Fellowship, has heretofore been appropriated to Scholars educated at the said School, and subsequently elected to the said Scholarships, and the Fellow and Scholars holding such Fellowship and Scholarships respectively have been from Time to Time maintained by the said College out of the general Revenues thereof, pursuant to a Covenant entered into by the Master, Fellows, and Scholars of the said College with the Keeper and Governors of the said School, and contained in a certain Indenture of Demise, bearing Date the First Day of June in the Fourth Year of the Reign of His late Majesty King James the First, and made between the said Keeper and Governors of the one Part, and the said Master, Fellows, and Scholars of the other Part, by which Indenture, in consideration of the aforesaid Covenant on the part of the said College, certain Lands situate at Croydon in the County of Surrey, called "Palmer's Fields," were demised by the Keeper and Governors of the said School to the Master, Fellows, and Scholars of the said College, for the Term of One thousand Years from the Date of the said Indenture, at the yearly Rent of a Red Rose: Be it enacted, That it shall be lawful for the Governing Bodies of the said College and School respectively to make and lay before the said Commissioners such Statutes as they may think fit for abolishing the aforesaid Preference of the said School, and for converting the said Grindal Fellowship and Grindal Scholarships into open Scholarships, and for enabling the said College to charge the Revenues thereof with the Payment to the said School of an annual Sum to be applied in providing Exhibitions for meritorious Scholars educated at the said School and proceeding to any College in the University of Cambridge, and to enable the said School to convey the Reversion in Fee Simple expectant upon the Determination of the aforesaid Term of One thousand Years in the aforesaid Lands, called "Palmer's Fields," to the said College, to be held by the said College as Part of the general Property thereof; and the said Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Statutes.

XXXVII. The

College of King Henry the Sixth at Eton to be subject to this Act.

XXXVII. The College of King Henry the Sixth at Eton shall for the Purposes of this Act be subject to the Provisions herein contained with respect to Colleges, and shall have the same or the like Powers as are hereby given to the Colleges of the University, and be subject to the Authorities hereby conferred on the Commissioners for the Alteration and Amendment of Statutes, in like Manner as is hereby provided with respect to the Colleges of the University, but without Prejudice to the Powers and Authorities, if any, of the Commissioners under "The Charitable Trusts Act, 1853."

Ordinances, Regulations, and Statutes to be laid before the Queen in Council.

XXXVIII. All Statutes which, under the Power herein-before contained, shall be made by the Governing Body of any College, and be approved of by the Commissioners, and all Statutes which shall be framed by the Commissioners and not objected to in manner aforesaid, and every Statute passed by the University or framed by the Commissioners under the Powers herein-before contained, for the Regulation of Private Halls, or for altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment, or for repealing, altering, or adding to any of the existing Royal Statutes of the University, shall, after the Expiration of *Two* Calendar Months from the Time when the same shall have been submitted to the College or shall have been approved of or assented to or framed by the Commissioners, be laid before Her Majesty in Council, and be forthwith published in the London Gazette; and it shall be lawful for the Governing Body of every College, and for the Visitor thereof, and for the Trustees, Governors, and Patron of any University or College Emolument, and for the University, and for any other Person directly affected by such new Statutes, within *One Month* after the Publication as aforesaid in the London Gazette, to petition Her Majesty in Council praying Her Majesty to withhold Her Approbation of the whole or of any Part thereof; and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of *Five* Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, who shall be named in such Order, and such *Five* Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Power to Colleges, &c. to petition Her Majesty against Approbation thereof, &c.

Regulations, Ordinances, and Statutes to be laid before Parliament.

XXXIX. All Statutes which shall be so published in the London Gazette as aforesaid shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within *Three* Weeks after the Commencement of the next ensuing Session of Parliament; and, unless an Address is within *Forty* Days presented by One or other of the said Houses, praying Her Majesty to withhold Her Consent from such Statutes, or any Parts thereof,

or unless the Approbation of Her Majesty shall be withheld on such Petition as aforesaid, it shall be lawful for Her Majesty, by Order in Council, to declare Her Approbation of such Statutes respectively, or any Parts thereof to which such Address shall not relate or of which She shall not withhold Her Approbation on such Petition, and the same shall thereupon become Statutes of the University of Cambridge, or of the College therein to which the same respectively relate; and if any such Statutes, or any Part thereof, shall not be so approved by Her Majesty, then the Commissioners may thereupon proceed to frame other Statutes in the Matter, and so on from Time to Time as often as Occasion shall require.

Repeal of University Statutes of Elizabeth.

XL. After the *First Day of January One thousand eight hundred and sixty*, the Statutes made by Queen Elizabeth in the Year of our Lord One thousand five hundred and seventy for the Government and Regulation of the University, or such and so much of them or of any of them as shall be then unrepealed by any Statute made under the Authority of this Act, shall be repealed, but not so as to revive any Statute of the University thereby repealed.

Interpretation of University Statutes.

XLI. If any Doubt shall arise with respect to the true Intent and Meaning of any of the new Statutes of the University framed and approved as aforesaid, or of any Statute which may hereafter be approved in the Manner herein-after mentioned for amending or altering the same, the Council may apply to the Chancellor of the University for the Time being, and it shall be lawful for him to declare in Writing the Intent and Meaning of the Statute on the Matter submitted to him, and such Declaration shall be registered by the Registrary of the University, and the Intent and Meaning of the Statute as therein declared shall be deemed the true Intent and Meaning thereof.

Statutes by Commissioners subject to Repeal, &c.

XLII. Every Statute made in pursuance of the Provisions of this Act by the University, or by any College, or by the Commissioners, and likewise all Provisions herein-before contained respecting the Election, Constitution, Powers, and Proceedings of the Council of the Senate, shall be subject to Repeal, Amendment, and Alteration from Time to Time by the University or College, as the Case may be, with the Approval of Her Majesty in Council.

Persons becoming Members not to possess vested Interests.

XLIII. No Person who, after the passing of this Act, shall become a Member of any College, or shall be elected or become eligible to any University or College Emolument, shall be deemed or taken to have acquired or to possess an existing Interest within the Meaning of this Act.

XLIV. From

XLIV. From the *First Day of Michaelmas Term One thousand eight hundred and fifty-six* no Person shall be required, upon matriculating, or upon taking, or to enable him to take, any Degree in Arts, Law, Medicine, or Music, in the said University, to take any Oath or to make any Declaration whatever; but such Degree shall not, until the Person obtaining the same shall, in such Manner as the University may from Time to Time prescribe, have subscribed a Declaration stating that he is bonâ fide a Member of the Church of England, entitle him to be or to become a Member of the Senate, or constitute a Qualification for the holding of any Office, either in the University or elsewhere, which has been heretofore always held by a Member of the United Church of England and Ireland, and for which such Degree has heretofore constituted One of the Qualifications. Not necessary to make Declaration or take an Oath on matriculating, nor on taking a Degree.

XLV. The Stamp Duties now payable on Matriculations and Degrees shall be abolished so soon as Provision shall have been made by the University, to the Satisfaction of the Commissioners of Her Majesty's Treasury, in lieu of the Monies heretofore voted annually by Parliament. Stamp Duties abolished.

XLVI. Except in so far as they are expressly altered or taken away by the Provisions of this Act, the Powers and Privileges of the University and its Officers, and of the Colleges and their Officers, shall continue in full Force. Powers of University to continue in force, except as altered by this Act.

XLVII. In the Construction of this Act the Expression "University or College Emolument" shall include all Headships, Fellowships, Bye-Fellowships, Scholarships, Exhibitions, Bible Clerkships, Sizarships, Subsizarships, and every other such Place of Emolument payable out of the Revenues of the University or of any College, or to be held and enjoyed by the Members of any College as such within the University; and the Word "Professor" shall be taken to include the Three Royal Professors of Hebrew, Greek, and Divinity; and the Governing Body of any College shall mean the Head and all actual Fellows thereof, Bye-Fellows excepted, being Graduates, or the major Part of such Head and Fellows; and the Words "Statutes" shall be taken to include all Ordinances and Regulations contained in any Charter, Deed of Composition, or other Instrument of Foundation or Endowment of a College, and all Byelaws, Ordinances, and Regulations. Interpretation of Terms.

Cambridge University.

A

BILL

To make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton.

(*Prepared and brought in by Mr. Bouverie and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed*, 14 *March* 1856.

[Bill 73.]

Under 2 oz.

14 *April* 1856. 19 Vict.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton.

[Note.—*Clause* A. *was added in Committee.*]

WHEREAS it is expedient, for the Advancement of Religion and Learning, to enlarge the Powers of making and altering Statutes, Ordinances, and Regulations now possessed by the University of Cambridge and the Colleges thereof, and to make and enable to be made further Provision for the Government and for the Extension of the said University, and for the Abrogation of Oaths now taken therein, and otherwise for maintaining and improving the Discipline and Studies and the good Government of the said University of Cambridge and the Colleges thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The several Persons herein-after named, (that is to say,) the Right Reverend John Lord Bishop of Lichfield, the Right Reverend John Appointment of Commissioners.

John Lord Bishop of Chester, the Right Honourable Edward Henry Stanley, commonly called Lord Stanley, the Right Honourable Matthew Talbot Baines, Vice Chancellor Sir William Page Wood, Knight, Sir Laurence Peel, Knight, the Very Reverend George Peacock, Dean of Ely, and the Reverend Charles John Vaughan, Doctor in Divinity, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal, and Three of the said Commissioners shall be a Quorum, and the Commissioner appointed or acting as Chairman shall have a Second or Casting Vote when the Votes of the said Commissioners shall be equally divided.

Duration of Powers of Commissioners.

II. The Powers hereby conferred on the Commissioners shall be in force until the First Day of January One thousand eight hundred and fifty-nine, and it shall be lawful for Her Majesty, if She shall think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of January One thousand eight hundred and sixty, and no longer.

Vacancy in Number of Commissioners.

III. If any Vacancy occurs in the Number of such Commissioners, by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

Commissioners empowered to require Production of Documents, &c.

IV. In the Exercise of the Authorities hereby vested in the Commissioners they shall have Power to require from any Officer of the University of Cambridge or of any College therein the Production of any Documents or Accounts relating to such University or College, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof respectively; and no Oath which may have been taken by any such Officer shall be a Bar to any Authorities of the Commissioners.

Constitution of the University.

Establishment of Council of the Senate.

V. Upon the Sixth Day of November One thousand eight hundred and fifty-six all Powers, Privileges, and Functions now possessed or exercised by the Caput Senatus of the said University shall cease, and upon the Seventh Day of the said Month of November One thousand eight hundred and fifty-six there shall be elected in manner herein-after mentioned a Council, which shall be called the Council of the Senate, and which shall consider and prepare all Graces to be offered to the Senate, whether proceeding from individual Members of the Senate or from Syndicates, and no Grace shall be offered to the Senate without the Sanction of the major Part of those voting upon it in the Council.

Composition of Council.

VI. The Council of the Senate shall consist of the Chancellor, the Vice-Chancellor, Four Heads of Colleges, Four Professors of the University,

University, and Eight Members of the Senate, such Heads of Colleges, Professors, and Members of the Senate to be elected by the Persons whose Names shall be on the Electoral Roll herein-after mentioned: Provided always, that there shall never be more than Two Members of the same College among such last-mentioned Eight elected Members: Provided also, that nothing herein contained shall be held to prevent the Head of any College, who is a Professor, from being returned or continuing to sit in the Council as One of the Four Members elected as Professors, or to prevent the Head of a College or a Professor from being returned or continuing to sit as One of the Eight Members of the Senate not elected as Heads of Colleges or Professors; and if any Person shall be elected a Member of the Council in Two or more Classes he shall, when he first takes his Seat in the Council, declare in which Class he elects to be a Member, and thereupon his Seat in the other Class shall be vacant.

Vice-Chancellor to promulgate Lists of Members of Senate.

VII. The Vice-Chancellor shall on Monday the Thirteenth Day of October One thousand eight hundred and fifty-six, and so on the Second Monday in October in every Year, cause to be promulgated, in such Way as may to him seem expedient for the Purpose of giving Publicity thereto, a List of the Members of the Senate, whom he shall ascertain to have resided within One Mile and a Half of Great Saint Mary's Church for Twenty Weeks at the least between the First Day of the preceding Michaelmas Term and the First Day of the said Month of October.

Lists may be objected to and amended.

VIII. The Vice-Chancellor shall at the same Time fix some convenient Time and Place, not more than Fourteen nor less than Seven Days from the Time of such Promulgation, for publicly hearing Objections to the said List, which any Member of the Senate may make on the Ground of any Person being improperly placed on or omitted from the said List; and if any such Objections shall appear to the Vice-Chancellor to be well founded, he shall correct the said List accordingly, and he shall thereupon sign and promulgate the said List, which shall thenceforth be the Electoral Roll for the Year thence next ensuing, and until a new Roll shall in like Manner have been promulgated.

Periodical vacating of Seats.

IX. Two of the Heads of Colleges, Two of the Professors, and Four of the other Members of the Council to be elected on the Seventh Day of November One thousand eight hundred and fifty-six shall be elected to hold Office for Two Years only, and shall vacate their Seats at the End of Two Years, and the other Members of the Council to be then elected shall hold Office for Four Years, and shall vacate their Seats at the End of Four Years; and the Election

of the Two Heads of Colleges, Two Professors, and Four other Members of the Council, who are to hold Office for Two Years only, shall be made separately from the Election of the other Heads of Colleges and Professors and other Members of the Council.

Supply of periodical Vacancies.

X. The Places of the Members of the Council vacating their Seats shall be supplied by a new Election, to be made on the Seventh of November, or in case the Seventh of November should be Sunday, on the Eighth of November in every other Year, in the same Manner as is herein-before prescribed as to the Election to take place on the Seventh Day of November One thousand eight hundred and fifty-six, save only that all Members of the Council to be then elected shall be elected to hold Office for Four Years; and all Members so vacating their Seats shall (if otherwise eligible) be capable of Re-election.

Members may be re-elected.

Filling up of casual Vacancies.

XI. Any casual Vacancy occurring by Death, Resignation, or otherwise among the Members of the Council shall be filled by the Election of a qualified Person, according to the Directions of this Act, upon a Day not later than Twenty-one Days, or sooner than Seven Days after such Occurrence, to be fixed by the Vice-Chancellor and publicly notified by him; but if such Vacancy shall occur during Vacation the Occurrence shall be deemed for the Purpose of such Notice to have taken place on the First Day of the ensuing Term; and the Person so elected shall be subject to the same Rules and Conditions as to the Tenure of Office, and in all other respects, as the Person to whose Place he succeeds would have been subject to if no such Vacancy had taken place.

Votes of Electors.

XII. In all Elections of Members of the Council every Elector may vote for any Number of Persons, being Heads of Colleges, Professors, or Members of the Senate as aforesaid respectively, not exceeding the Number of Heads of Colleges, Professors, or Members of the Senate respectively to be then chosen; and in case of an Equality of Votes for any Two or more of such Heads of Colleges, Professors, or Members of the Senate respectively, the Vice-Chancellor shall name from amongst those Persons for whom the Number of Votes shall be equal, as many as shall be requisite to complete the Number of Heads of Colleges, Professors, or Members of the Senate to be then chosen.

Absence from Meetings to create a Vacancy.

XIII. If any Member of the Council, other than the Chancellor or the Vice-Chancellor, shall have been absent from all the Meetings of the Council during the whole of One Term, his Seat shall at the Close of

of such Term become and shall be declared by the Vice-Chancellor to be vacant.

Vice-Chancellor's Seat not vacant

XIV. If any Member of the Council shall become Vice-Chancellor his Seat shall not thereby become vacant, nor shall the Seat of any Member of the Council become vacant by reason that after his Election he may have become or may have ceased to be a Professor or a Head of a College: Provided always, that if any Member of the Council shall cease to be on the Electoral Roll, his Seat shall thereupon become and be declared to be vacant.

Proviso.

Professors eligible.

XV. No Professor shall be ineligible for the Council by reason of anything contained in the Statutes of his Foundation.

Vice-Chancellor to make Regulations respecting Council.

XVI. The Vice-Chancellor shall, before the Tenth Day of October One thousand eight hundred and fifty-six, make and promulgate all such Regulations as to the voting for, Election, Resignation, and Return of Members of the Council, as may be necessary for the Election and assembling of the Council according to this Act, and for keeping the Number of such Council complete, and shall appoint the Time and Place at which they shall assemble; and if the Vice-Chancellor fails to comply with the Provisions of this Section, the Commissioners shall thereupon make such Regulations in respect of the Matters aforesaid as they may think fit.

Power to Council to make Rules for Regulation of its own Proceedings.

XVII. Subject to the Provisions of this Act, and without Prejudice to the Rights of the Senate in the making of Statutes, Regulations, and Ordinances for the University of Cambridge, the Council shall have Power from Time to Time to make Rules for the Regulation of its own Proceedings, and to revise or alter the Regulations herein-before directed to be made by the Vice-Chancellor, or, in the Case of his failing to do so, by the Commissioners, and also to appoint Committees for the Purpose of examining all Questions referred to them by the said Council.

Date of Meeting.

XVIII. The Council shall meet for the Despatch of Business on the Eighth Day of November One thousand eight hundred and fifty-six.

Who shall be President of the Council.

XIX. The President of the Council shall be the Chancellor, or in his Absence the Vice-Chancellor, or a Member of the Council appointed by the Vice-Chancellor to act as his Deputy, or if at any Council duly convened and assembled neither the Chancellor nor the Vice-Chancellor nor any Deputy so appointed shall be present, then some Member to be chosen by the Members of the Council then assembled.

Quorum of Council.

Questions in the Council to be decided by the Majority.

XX. No Business shall be transacted in the Council unless Five Members at least be present; and all Questions in the Council shall be decided by the Majority of the Votes of the Members present, and the President shall have a Second or Casting Vote when the Votes are equally divided.

Council to nominate to Offices.

XXI. The Council shall nominate Two qualified Persons to the Senate, of whom the Senate shall choose One in the Manner heretofore accustomed to fill every vacant Office in the University, to which the Heads of Colleges have heretofore nominated Two Persons to the Senate; provided always, that the Persons nominated as aforesaid to the Office of Vice-Chancellor shall be Heads of Colleges.

Certain Oaths illegal.

XXII. Every Oath directly or indirectly binding the Juror—

Not to disclose any Matter or Thing relating to his College, although required so to do by lawful Authority;

To resist or not concur in any Change in the Statutes of the University or College;

To do or forbear from doing anything the doing or the not doing of which would tend to any such Concealment, Resistance, or Non-concurrence;

shall from the Time of the passing of this Act not be an Oath legally binding the Juror, and no such Oath shall hereafter be administered or taken.

Power to Vice-Chancellor to license Members of the Senate to open their Residences for Reception of Students;

XXIII. Any Member of the Senate, of such Standing and Qualifications as may be provided by any Statute hereafter to be made, may obtain a Licence from the Vice-Chancellor to open his Residence, if situate within One Mile and a Half of Great Saint Mary's Church, for the Reception of Students, who shall be matriculated and admitted to all the Privileges of the University, without being of necessity entered as Members of any College; but no such Licence as aforesaid shall be granted by the Vice-Chancellor until such Regulations as are herein-after mentioned have come into operation.

who shall be called Licensed Masters.

XXIV. Every Person to whom such Licence is granted shall be called a Licensed Master, and his Residence so opened as aforesaid shall be called a Private Hall.

Power of University to make Statutes as to Private Halls.

XXV. The University, before the First Day of January One thousand eight hundred and fifty-eight, may proceed to frame Statutes—

For regulating the Terms and Conditions of granting Licences to Licensed Masters, and the Qualifications of such Masters:

For

For the Government of Private Halls, the Discipline of the Students therein, and their Status in the event of the Death or Removal of any such Licensed Master, or of the Withdrawal or Suspension of his Licence:

For punishing Neglect or Breach of Regulation on the Part of a Licensed Master by the Withdrawal or Suspension of his Licence, and on the Part of any Students by such reasonable Penalties or other Punishments as the University may think fit:

But no such Statute shall be of any Force or Effect unless and until it shall have been approved in the Manner herein-after mentioned.

If University omit to frame Statutes, &c., it shall be incumbent on Commissioners to do so.

XXVI. If the said University shall not, on or before the First Day of January One thousand eight hundred and fifty-eight, have framed, and submitted for the Approval of the Commissioners, such Statutes as may in the Opinion of the Commissioners be sufficient for carrying into effect the Objects of this Act with respect to the Establishment and Regulation of Private Halls, the Commissioners shall forthwith proceed to frame Statutes in that Behalf.

Colleges to have power to frame Statutes.

XXVII. It shall be lawful for the Governing Body of any College, at any Time before the First Day of January One thousand eight hundred and fifty-eight, without Prejudice to any existing Interest of any Member of such College, and notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment either of such College or of any Emolument therein, to make Statutes for the Purposes following; (that is to say,)

1. For repealing, altering, and amending the College Statutes, and for making fresh Provision respecting the Eligibility of Persons to the Headship or the Fellowships or other College Emoluments, respecting the Right and Mode of appointing, nominating, or electing to such Headship, Fellowships, and Emoluments, and respecting the Duration and Conditions of the Tenure of such Fellowships and Emoluments, so as to insure such Fellowships and Emoluments being conferred according to personal Merits and Fitness, and being retained for such Periods as are likely to conduce to the better Advancement of the Interests of Religion and Learning, and for the said Objects to modify or abolish any Right of Preference:
2. For altering or abolishing the Oaths or any of them required to be taken by the Statutes of the College:
3. For re-distributing or apportioning the divisible Revenues of the College:
4. For rendering Portions of the College Property or Income available to Purposes for the Benefit of the University at large:

5. For the Consolidation, Division, or Conversion of Emoluments, including therein the Conversion of Fellowships or Scholarships attached to Schools into Scholarships or Exhibitions so attached, or either partly so attached and partly open, or altogether open, and of Fellowships otherwise limited into Scholarships or Exhibitions either subject or not subject to any similar or modified Limitation:
6. For the Creation of a sufficient Number of Open Scholarships either by Conversion of Fellowships or otherwise:
7. For incorporating Bye-fellowships with the original Foundation either in reduced Number or otherwise:
8. For transferring to the College in its corporate Capacity any Trusts now vested in any One or more of the Master and Fellows:
9. And generally for making further Provision for maintaining and improving the Discipline, Studies, and good Government of such College, and for amending the Statutes thereof from Time to Time:

But all Statutes so made by the Governing Body of such College shall be of no Force or Effect until they shall have been approved in the Manner herein-after mentioned: Provided that nothing herein contained with respect to the Right of nominating or appointing to the Headship of a College shall be deemed to apply to the Headship of Mary Magdalen College, unless the Consent by Deed of the Person or Persons entitled to such Right shall be first had and obtained.

Power to sever Benefices from Headship.

XXVIII. And whereas it is expedient, where certain Benefices with or without Cure of Souls are annexed to the Headship of a College, or may at the Option of the Head for the Time being be held with his Headship, to enable the Colleges to put an end to such Annexation or Option: Be it enacted, That it shall be lawful for any College, at any Time before the First Day of January One thousand eight hundred and fifty-eight, without Prejudice to any existing Interest of any Member thereof, and notwithstanding anything contained in any Act of Parliament, or in any Deed or Instrument whatever, to make Statutes for putting an end to such Annexation or Option, and either for selling such Benefices or for adding them to the Number of those already in the Patronage of the College, and for making adequate Compensation out of its Revenues to the Head of the College for the consequent Diminution of his Income: Provided always, that all such Statutes shall be laid before the Commissioners, who shall have Power, by Writing under their Common Seal, to approve of or reject the same, and to remit the same from Time to Time for further Consideration or Revision, with Amendments or Alterations therein.

XXIX. If

When Colleges omit to make Statutes Commissioners may frame them.

XXIX. If the Powers herein-before granted to shall not be exercised by any College, or shall not be exercised to such Extent as the Commissioners may deem expedient, and no Statute for effecting the Objects of such Powers, or no Statute which the Commissioners may deem sufficient for that Purpose, shall be submitted by the Governing Body of such College to the Commissioners, and approved of by them, before the First Day of January One thousand eight hundred and fifty-eight, it shall be lawful for the Commissioners to frame such Statutes or such further Statutes as shall appear to them to be expedient for the Purpose of effecting or promoting the Objects which the College is herein-before empowered to effect or promote; and all such Statutes, if sanctioned and confirmed as herein-after required, shall take effect as Statutes of such College, notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment thereof: Provided always, that all such Statutes, when properly settled by the Commissioners, shall be laid before the College to which the same relate, and the Visitor thereof, Two Calendar Months before the same are submitted to Her Majesty in Council as herein-after directed; and if within the said Period of Two Calendar Months Two Thirds of the Governing Body of the said College shall by Writing under their Hands and Seal declare that in their Opinion any One or more of such Statutes will be prejudicial to the said College as a Place of Learning and Education, then such Statute or Statutes shall not take effect, but it shall be lawful for the Commissioners to frame and submit another Statute or other Statutes for the like Purpose to the said College, and so on as often as Occasion shall require.

University may frame new Statutes.

XXX. The Council of the Senate may frame new Statutes,—

1. For repealing, altering, or adding to any of the existing Royal Statutes of the University:
2. Or for altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment held or enjoyed by the University, or by any Professor, Lecturer, Reader, Preacher, or Scholar therein, or the Endowment of Lady Sadler for Lecturers in the several Colleges, or the Endowment of the Offices of Christian Preacher and Christian Advocate, or the Endowment of William Worts for Bachelors of Arts, when it shall appear to the Council that the Interests of Religion and Learning may be better advanced by such Alteration or Modification:

And all such Statutes shall be submitted to the Senate by way of Grace for their Adoption or Rejection; but no such Statute shall be of any Force or Effect until it shall have been assented to by the Commissioners under their Seal, and shall have been approved by Her

Majesty by an Order in Council as herein-after mentioned; and no such new Statute shall require any Officer of a College by virtue of his Office to perform any new Trust with respect to any such Gift or Endowment unless the Consent of such College shall have been obtained, or shall be required by such Statute, to the Performance of such Trust by such Officer.

Commissioners may frame University Statutes.

XXXI. If no new Statute for any of the Purposes in the next preceding Section of this Act mentioned shall be submitted to the Commissioners for their Assent as aforesaid, or if any such new Statute for such Purpose shall not be approved by the Commissioners, and shall not be assented to by them, the Commissioners, after the First Day of January One thousand eight hundred and fifty-eight, may frame Statutes for such Purpose, and such Statutes shall be laid before Her Majesty in Council in the Manner herein-after directed.

Right of Preference belonging to Schools not to be abolished in certain Cases if Governors of Schools or Charity Commissioners dissent therefrom.

XXXII. If in the Execution of the Powers of this Act it shall be proposed by the Governing Body of any College or by the Commissioners to make any Statute for the Abolition of any Right of Preference in Elections to any Emolument within any College now lawfully belonging to any School or other Place of Education beyond the Precincts of the University individually named or designated in any Statute, Deed of Composition, or other Instrument of Foundation or Endowment, and which Right has been exercised or enjoyed by such School or Place of Education on the Occurrence of any One of the Three Occasions next before the passing hereof on which such Right might have been exercised or enjoyed, or for the Conversion of any Fellowship or Scholarship attached to such School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, where any Appointment or Election to any such Fellowship or Scholarship of a Person educated in such School or Place has taken place on the Occurrence of any One of the Three Vacancies of such Fellowship or Scholarship next before the passing of this Act, Notice thereof shall be given in Writing to the Governing Body of every such School or Place of Education, and also to the Commissioners appointed under "The Charitable Trusts Act, 1853," at least Two Calendar Months before any final Resolution for that Purpose shall be adopted by such College or by the Commissioners; and no such Statute shall be made if within Two Calendar Months after receiving such Notice Two Thirds of the said Governing Body, or if there shall be several Schools interested in such Right of Preference then Two Thirds of the aggregate Body composed of the several Governing Bodies of such Schools, or the said Commissioners appointed under "The Charitable Trusts Act, 1853," shall by Writing under their Hands and Seals declare their

their Opinion that such Statute would be prejudicial to such School or Place of Education as a Place of Learning and Education: Provided always, that every such Right of Preference, when retained, shall be subject to all such Statutes as may be made by the Governing Body of any College, or by the Commissioners, under the Powers given by this Act, for the Purpose of making such Emolument more conducive to the mutual Benefit of such College and such School or Place of Education as aforesaid, or of throwing the same open to general or extended Competition upon any Vacancy for which no Candidate or Claimant of sufficient Merit may offer himself from any School or Place of Education so entitled as aforesaid: Provided also, that where the Governing Body of any such School as aforesaid shall be a Corporate Body the Governing Body of the Corporation shall be deemed the Governing Body of the School; and when any Right of Preference shall belong to any School contingently only upon the Failure of fit Objects from some other School or Schools entitled to and in the Enjoyment of a prior Right of Preference, then and in such Case the Power of Dissent hereby given shall only belong to the Governing Body or Governing Bodies of the School or Schools entitled to and in the Enjoyment of the First Right of Preference; and if in any College where Fellowships are tenable by Undergraduates either the College or the Commissioners acting in respect thereof shall divide its Fellowships into Elder and Younger, the Elder only shall be taken to be Fellowships within the Meaning of this Section.

Notice served on the Principal of any School to be sufficient Notice to the Governing Body.

XXXIII. Where any such Notice in Writing as aforesaid is required to be given to the Governing Body of any School or Place of Education, such Notice, if served on the Master or Principal of any such School or Place of Education, shall be deemed and taken to be a sufficient Notice to the Governing Body of the same School or Place of Education for all the Purposes of this Act.

Statutes objected to by Governing Body of College, &c. to be laid before Parliament.

XXXIV. All Statutes framed by the Commissioners, and objected to by Two Thirds of the Governing Body or Bodies of the College, School, or Schools to which the same respectively relate, or by the said Commissioners appointed under the Charitable Trusts Act, 1853, shall, in all Cases where new Statutes shall not have been substituted under the Provisions of this Act for such as shall have been so objected to, be embodied in a Report to be transmitted forthwith to One of Her Majesty's Principal Secretaries of State, and laid before the Two Houses of Parliament.

Statutes as to Scholarships in Trinity College ap-

XXXV. And whereas by the Statutes of Trinity College and the Laws and Practice of Westminster School certain Scholarships in the said College have been annually appropriated to Scholars of the

propriated to Westminster School.

the said School elected therefrom: Be it enacted, That the Governing Body of the said College, with the Sanction of the Dean and Chapter of Westminster, signified by Writing under their Common Seal, may make and lay before the Commissioners any Statutes which to such College may seem fit for abolishing the said Preference of the said School, and for converting the said Scholarships into open Scholarships, and for enabling the said College to receive annually from the said School any Number of Exhibitioners not exceeding Three in any One Year, and may charge the Revenues of the said College with an annual Sum of Forty Pounds for each of such Exhibitioners for or towards his Maintenance from the Time of his commencing his Residence in the said College, and during such Residence until by the Statutes of the University he shall be qualified to apply for the Degree of Bachelor of Arts, and may frame Statutes as to the Studies to be prosecuted in the said School, the Mode of electing the Head Master and Under Master thereof, the Persons by whom and the Mode in which the Election of such Exhibitioners shall be made, and generally as to the Conditions on which such Exhibitions shall be held and enjoyed; and the Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Statutes: Provided always, that no such Exhibition shall be held for more than Three Years and a Quarter, and no such Exhibitioner shall by holding such Exhibition be disqualified from being elected a Scholar of the said College.

Statutes as to the Grindal Fellowship and Grindal Scholarships at Pembroke College.

XXXVI. And whereas certain Scholarships at Pembroke College, called the Grindal Scholarships, have heretofore been appropriated to Scholars educated at the Free Grammar School of Saint Begh's in the County of Cumberland, and a certain Fellowship at the said College, called the Grindal Fellowship, has heretofore been appropriated to Scholars educated at the said School, and subsequently elected to the said Scholarships, and the Fellow and Scholars holding such Fellowship and Scholarships respectively have been from Time to Time maintained by the said College out of the general Revenues thereof, pursuant to a Covenant entered into by the Master, Fellows, and Scholars of the said College with the Keeper and Governors of the said School, and contained in a certain Indenture of Demise, bearing Date the First Day of June in the Fourth Year of the Reign of His late Majesty King James the First, and made between the said Keeper and Governors of the one Part, and the said Master, Fellows, and Scholars of the other Part, by which Indenture, in consideration of the aforesaid Covenant on the Part of the said College, certain Lands situate at Croydon in the County of Surrey, called "Palmer's Fields," were demised by the Keeper and Governors of the said School to the Master, Fellows, and Scholars of the said College, for the Term of One thousand

thousand Years from the Date of the said Indenture, at the yearly Rent of a Red Rose: Be it enacted, That it shall be lawful for the Governing Bodies of the said College, with the Consent of the Governing Body of the said School respectively, to make and lay before the Commissioners such Statutes as they may think fit for abolishing the aforesaid Preference of the said School, and for converting the said Grindal Fellowship and Grindal Scholarships into open Scholarships, and for enabling the said College to charge the Revenues thereof with the Payment to the said School of an annual Sum to be applied in providing Exhibitions for meritorious Scholars educated at the said School and proceeding to any College in the University of Cambridge; and it shall be lawful for the Governing Body of the said School to convey the Reversion in Fee Simple expectant upon the Determination of the aforesaid Term of One thousand Years in the aforesaid Lands, called "Palmer's Fields," to the said College, to be held by the said College as Part of the general Property thereof; and the Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Statutes.

College of King Henry the Sixth at Eton to be subject to this Act.

XXXVII. The College of King Henry the Sixth at Eton shall for the Purposes of this Act be subject to the Provisions herein contained with respect to Colleges, and shall have the same or the like Powers as are hereby given to the Colleges of the University, and be subject to the Authorities hereby conferred on the Commissioners for the Alteration and Amendment of Statutes, in like Manner as is hereby provided with respect to the Colleges of the University, but without Prejudice to the Powers and Authorities, if any, of the Commissioners under "The Charitable Trusts Act, 1853," or of the said Commissioners under the Charitable Trusts Amendment Act, 1855.

Statutes to be laid before the Queen in Council.

XXXVIII. All Statutes which, under the Power herein-before contained, shall be made by the Governing Body of any College, and be approved of by the Commissioners, and all Statutes which shall be framed by the Commissioners and not objected to in manner aforesaid, and every Statute passed by the University or framed by the Commissioners under the Powers herein-before contained, for the Regulation of Private Halls, or for altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment, or for repealing, altering, or adding to any of the existing Royal Statutes of the University, shall, after the Expiration of Two Calendar Months from the Time when the same shall have been submitted to the College or shall have been approved of or assented to or framed by the Commissioners, be laid before Her Majesty in Council, and be forthwith published in the London Gazette; and

Power to Colleges, &c. to petition Her Majesty against Approbation thereof, &c.

it shall be lawful for every College, and for the Visitor thereof, and for the Trustees, Governors, and Patron of any University or College Emolument, and for the University, and for any other Person directly affected by such new Statutes, within One Month after the Publication as aforesaid in the London Gazette, to petition Her Majesty in Council praying Her Majesty to withhold Her Approbation of the whole or of any Part thereof; and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, who shall be named in such Order, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Statutes to be laid before Parliament.

XXXIX. All Statutes which shall be so published in the London Gazette as aforesaid shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within Three Weeks after the Commencement of the next ensuing Session of Parliament; and, unless an Address is within Forty Days presented by One or other of the said Houses, praying Her Majesty to withhold Her Consent from such Statutes, or any Parts thereof, or unless the Approbation of Her Majesty shall be withheld on such Petition as aforesaid, it shall be lawful for Her Majesty, by Order in Council, to declare Her Approbation of such Statutes respectively, or any Parts thereof to which such Address shall not relate or of which She shall not withhold Her Approbation on such Petition, and the same shall thereupon become Statutes of the University of Cambridge, or of the College therein to which the same respectively relate; and if any such Statutes, or any Part thereof, shall not be so approved by Her Majesty, then the Commissioners may thereupon proceed to frame other Statutes in the Matter, and so on from Time to Time as often as Occasion shall require.

Repeal of University Statutes of Elizabeth.

XL. After the First Day of January One thousand eight hundred and sixty, the Statutes made by Queen Elizabeth in the Year of our Lord One thousand five hundred and seventy for the Government and Regulation of the University, or such and so much of them or of any of them as shall be then unrepealed by any Statute made under the Authority of this Act, shall be repealed, but not so as to revive any Statute of the University thereby repealed.

Interpretation of University Statutes.

XLI. If any Doubt shall arise with respect to the true Intent and Meaning of any of the new Statutes of the University framed and approved as aforesaid, or of any Statute which may hereafter be approved

approved in the Manner herein-after mentioned for amending or altering the same, the Council may apply to the Chancellor of the University for the Time being, and it shall be lawful for him to declare in Writing the Intent and Meaning of the Statute on the Matter submitted to him, and such Declaration shall be registered by the Registrary of the University, and the Intent and Meaning of the Statute as therein declared shall be deemed the true Intent and Meaning thereof.

Statutes subject to Repeal, &c.

XLII. Every Statute made in pursuance of the Provisions of this Act by the University, or by any College, or by the Commissioners, and likewise all Provisions herein-before contained respecting the Election, Constitution, Powers, and Proceedings of the Council of the Senate, shall be subject to Repeal, Amendment, and Alteration from Time to Time by the University or College, as the Case may be, with the Approval of Her Majesty in Council.

Persons becoming Members not to possess vested Interests.

XLIII. No Person who, after the passing of this Act, shall become a Member of any College, or shall be elected or become eligible to any University or College Emolument, shall be deemed or taken to have acquired or to possess an existing Interest within the Meaning of this Act.

Not necessary to make Declaration or take an Oath on matriculating, nor on taking a Degree.

XLIV. From the First Day of Michaelmas Term One thousand eight hundred and fifty-six no Person shall be required, upon matriculating, or upon taking, or to enable him to take, any Degree in Arts, Law, Medicine, or Music, in the said University, to take any Oath or to make any Declaration whatever; but such Degree shall not, until the Person obtaining the same shall, in such Manner as the University may from Time to Time prescribe, have subscribed a Declaration stating that he is bonâ fide a Member of the Church of England, entitle him to be or to become a Member of the Senate, or constitute a Qualification for the holding of any Office, either in the University or elsewhere, which has been heretofore always held by a Member of the United Church of England and Ireland, and for which such Degree has heretofore constituted One of the Qualifications.

Stamp Duties abolished.

XLV. The Stamp Duties now payable on Matriculations and Degrees shall be abolished so soon as Provision shall have been made by the University, to the Satisfaction of the Commissioners of Her Majesty's Treasury, in lieu of the Monies heretofore voted annually by Parliament.

Powers of University to continue in force,

XLVI. Except in so far as they are expressly altered or taken away by the Provisions of this Act, the Powers and Privileges of the

except as altered by this Act.

University and its Officers, and of the Colleges and their Officers, shall continue in full Force.

Interpretation of Terms.

XLVII. In the Construction of this Act the Expression "University or College Emolument" shall include all Headships, Fellowships, Bye-Fellowships, Scholarships, Exhibitions, Bible Clerkships, Sizarships, Subsizarships, and every other such Place of Emolument payable out of the Revenues of the University or of any College, or to be held and enjoyed by the Members of any College as such within the University; and the Word "Professor" shall be taken to include the Three Royal Professors of Hebrew, Greek, and Divinity, and Public Readers or Lecturers in the University, except the Barnaby Lecturers; and the Governing Body of any College shall mean the Head and all actual Fellows thereof, Bye-Fellows excepted, being Graduates, or the major Part of such Head and Fellows; and the Words "Statutes" shall be taken to include all Ordinances and Regulations of the University, and all Ordinances and Regulations contained in any Charter, Deed of Composition, or other Instrument of Foundation or Endowment of a College, and all Byelaws, Ordinances, and Regulations.

Clause A. Parts of Lands Clauses Act, 1845, incorporated herewith.

XLVIII. The Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands required by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall be incorporated with and form Part of this Act, so far as relates to Land within the Town of Cambridge required for the Erection of any Buildings for the Extension of the Buildings of the said University, or of any College therein, and as if the Corporate Name of the University or College, as the Case may be, had been inserted therein instead of the Expression "the Promoters of the Undertaking."

Cambridge University.

A

BILL

[AS AMENDED IN COMMITTEE]

To make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton.

(*Prepared and brought in by Mr. Bouverie and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed,* 14 *April* 1856.

[Bill 98.]

Under 3 oz.

9 *June* 1856. 19 Vict.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton.

[Note.—*Clause* A. *was added in Committee, and Clauses* B. *and* C. *were added on Re-commitment.*]

WHEREAS it is expedient, for the Advancement of Religion and Learning, to enlarge the Powers of making and altering Statutes, Ordinances, and Regulations now possessed by the University of Cambridge and the Colleges thereof, and to make and enable to be made further Provision for the Government and for the Extension of the said University, and for the Abrogation of Oaths now taken therein, and otherwise for maintaining and improving the Discipline and Studies and the good Government of the said University of Cambridge and the Colleges thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The several Persons herein-after named, (that is to say,) the Right Reverend John Lord Bishop of Lichfield, the Right Reverend John Appointment of Commissioners.

John Lord Bishop of Chester, the Right Honourable Edward Henry Stanley, commonly called Lord Stanley, the Right Honourable Matthew Talbot Baines, Vice Chancellor Sir William Page Wood, Knight, the Right Honourable Sir Laurence Peel, Knight, the Very Reverend George Peacock, Dean of Ely, and the Reverend Charles John Vaughan, Doctor in Divinity, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal, and Three of the said Commissioners shall be a Quorum, and the Commissioner appointed or acting as Chairman shall have a Second or Casting Vote when the Votes of the said Commissioners shall be equally divided.

Duration of Powers of Commissioners.

II. The Powers hereby conferred on the Commissioners shall be in force until the First Day of January One thousand eight hundred and fifty-nine, and it shall be lawful for Her Majesty, if She shall think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of January One thousand eight hundred and sixty, and no longer.

Vacancy in Number of Commissioners.

III. If any Vacancy occurs in the Number of such Commissioners, by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

Commissioners empowered to require Production of Documents, &c.

IV. In the Exercise of the Authorities hereby vested in the Commissioners they shall have Power to require from any Officer of the University of Cambridge or of any College therein the Production of any Documents or Accounts relating to such University or College, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof respectively; and no Oath which may have been taken by any such Officer shall be a Bar to any Authorities of the Commissioners.

Constitution of the University.

Establishment of Council of the Senate.

V. Upon the Sixth Day of November One thousand eight hundred and fifty-six all Powers, Privileges, and Functions now possessed or exercised by the Caput Senatus of the said University shall cease, and upon the Seventh Day of the said Month of November One thousand eight hundred and fifty-six there shall be elected in manner herein-after mentioned a Council, which shall be called the Council of the Senate, and which shall consider and prepare all Graces to be offered to the Senate, whether proceeding from individual Members of the Senate or from Syndicates, and no Grace shall be offered to the Senate without the Sanction of the major Part of those voting upon it in the Council.

Composition of Council.

VI. The Council of the Senate shall consist of the Chancellor, the Vice-Chancellor, Four Heads of Colleges, Four Professors of the University,

University, and Eight Members of the Senate, such Members being chosen from the Electoral Roll herein-after mentioned, such Heads of Colleges, Professors, and Members of the Senate to be elected by the Persons whose Names shall be on such Electoral Roll: Provided always, that there shall never be more than Two Members of the same College among such last-mentioned Eight elected Members.

Vice-Chancellor to promulgate Lists of Members of Senate.

VII. The Vice-Chancellor shall on or before Monday the Thirteenth Day of October One thousand eight hundred and fifty-six, and also on or before the Second Monday in October in every Year, cause to be promulgated, in such Way as may to him seem expedient for the Purpose of giving Publicity thereto, a List of the Members of the Senate, whom he shall ascertain to have resided within One Mile and a Half of Great Saint Mary's Church for Fourteen Weeks at the least between the First Day of the preceding Michaelmas Term and the First Day of the said Month of October.

Lists may be objected to and amended.

VIII. The Vice-Chancellor shall at the same Time fix some convenient Time and Place, not more than Fourteen nor less than Seven Days from the Time of such Promulgation, for publicly hearing Objections to the said List, which any Member of the Senate may make on the Ground of any Person being improperly placed on or omitted from the said List; and if any such Objections shall appear to the Vice-Chancellor to be well founded, he shall correct the said List accordingly, and he shall thereupon sign and promulgate the said List, which shall thenceforth be the Electoral Roll for the Year thence next ensuing, and until a new Roll shall in like Manner have been promulgated.

Periodical vacating of Seats.

IX. Two of the Heads of Colleges, Two of the Professors, and Four of the other Members of the Council to be elected on the Seventh Day of November One thousand eight hundred and fifty-six shall be elected to hold Office for Two Years only, and shall vacate their Seats at the End of Two Years, and the other Members of the Council to be then elected shall hold Office for Four Years, and shall vacate their Seats at the End of Four Years; and the Election of the Two Heads of Colleges, Two Professors, and Four other Members of the Council, who are to hold Office for Two Years only, shall be made separately from the Election of the other Heads of Colleges and Professors and other Members of the Council.

Supply of periodical Vacancies.

X. The Places of the Members of the Council vacating their Seats shall be supplied by a new Election, to be made on the Seventh of November, or in case the Seventh of November should be Sunday, on the Eighth of November in every other Year, in the same

same Manner as is herein-before prescribed as to the Election to take place on the Seventh Day of November One thousand eight hundred and fifty-six, save only that all Members of the Council to be then elected shall be elected to hold Office for Four Years; and all Members so vacating their Seats shall (if otherwise eligible) be capable of Re-election.

Members may be re-elected.

Filling up of casual Vacancies.

XI. Any casual Vacancy occurring by Death, Resignation, or otherwise among the Members of the Council shall be filled by the Election of a qualified Person, according to the Directions of this Act, upon a Day not later than Twenty-one Days, or sooner than Seven Days after such Occurrence, to be fixed by the Vice-Chancellor and publicly notified by him; but if such Vacancy shall occur during Vacation the Occurrence shall be deemed for the Purpose of such Notice to have taken place on the First Day of the ensuing Term; and the Person so elected shall be subject to the same Rules and Conditions as to the Tenure of Office, and in all other respects, as the Person to whose Place he succeeds would have been subject to if no such Vacancy had taken place.

Votes of Electors.

XII. In all Elections of Members of the Council every Elector may vote for any Number of Persons, being Heads of Colleges, Professors, or Members of the Senate as aforesaid respectively, not exceeding the Number of Heads of Colleges, Professors, or Members of the Senate respectively to be then chosen; and in case of an Equality of Votes for any Two or more of such Heads of Colleges, Professors, or Members of the Senate respectively, the Vice-Chancellor shall name from amongst those Persons for whom the Number of Votes shall be equal, as many as shall be requisite to complete the Number of Heads of Colleges, Professors, or Members of the Senate to be then chosen.

Absence from Meetings to create a Vacancy.

XIII. If any Member of the Council, other than the Chancellor or the Vice-Chancellor, shall have been absent from all the Meetings of the Council during the whole of One Term, his Seat shall at the Close of such Term become and shall be declared by the Vice-Chancellor to be vacant.

Vice-Chancellor's Seat not vacant.

XIV. If any Member of the Council shall become Vice-Chancellor his Seat shall not thereby become vacant, nor shall the Seat of any Member of the Council become vacant by reason that after his Election he may have become or may have ceased to be a Professor or a Head of a College: Provided always, that if any of the Eight Members of the Senate chosen from the Electoral Roll as aforesaid shall

shall afterwards cease to be on the Electoral Roll, his Seat shall thereupon become and be declared to be vacant.

Professors eligible.

XV. No Professor shall be ineligible for the Council by reason of anything contained in the Statutes of his Foundation.

Vice-Chancellor to make Regulations respecting Council.

XVI. The Vice-Chancellor shall, before the Tenth Day of October One thousand eight hundred and fifty-six, make and promulgate all such Regulations as to the voting for, Election, Resignation, and Return of Members of the Council, as may be necessary for the Election and assembling of the Council according to this Act, and for keeping the Number of such Council complete, and shall appoint the Time and Place at which they shall assemble; and if the Vice-Chancellor fails to comply with the Provisions of this Section, the Commissioners shall thereupon make such Regulations in respect of the Matters aforesaid as they may think fit.

Power to Council to make Rules for Regulation of its own Proceedings.

XVII. Subject to the Provisions of this Act, and without Prejudice to the Rights of the Senate in the making of Statutes, Regulations, and Ordinances for the University of Cambridge, the Council shall have Power from Time to Time to make Rules for the Regulation of its own Proceedings, and to revise or alter the Regulations herein-before directed to be made by the Vice-Chancellor, or, in the Case of his failing to do so, by the Commissioners, and also to appoint Committees for the Purpose of examining all Questions referred to them by the said Council.

Date of Meeting.

XVIII. The Council shall meet for the Despatch of Business on the Eighth Day of November One thousand eight hundred and fifty-six.

Who shall be President of the Council.

XIX. The President of the Council shall be the Chancellor, or in his Absence the Vice-Chancellor, or a Member of the Council appointed by the Vice-Chancellor to act as his Deputy, or if at any Council duly convened and assembled neither the Chancellor nor the Vice-Chancellor nor any Deputy so appointed shall be present, then some Member to be chosen by the Members of the Council then assembled.

Quorum of Council.

Questions in the Council to be decided by the Majority.

XX. No Business shall be transacted in the Council unless Five Members at least be present; and all Questions in the Council shall be decided by the Majority of the Votes of the Members present, and the President shall have a Second or Casting Vote when the Votes are equally divided: Provided always, that in case of a Difference of Opinion between the Chancellor, or the Vice-Chancellor or his Deputy, and the Majority of the Members present at any Meeting

of the Council, the Question as to which such Difference may exist shall not be deemed to be carried by such Majority unless the same shall constitute a Majority of the whole Council, but in such Case the Question shall be adjourned to the next Meeting of the Council, and such adjourned Question shall be finally decided by the Majority of the Members of Council then present.

Council to nominate to Offices.

XXI. The Council shall nominate Two qualified Persons to the Senate, of whom the Senate shall choose One in the Manner heretofore accustomed to fill every vacant Office in the University, to which the Heads of Colleges have heretofore nominated Two Persons to the Senate; provided always, that the Persons nominated as aforesaid to the Office of Vice-Chancellor shall be Heads of Colleges.

Certain Oaths illegal.

XXII. Every Oath directly or indirectly binding the Juror—

Not to disclose any Matter or Thing relating to his College, although required so to do by lawful Authority;

To resist or not concur in any Change in the Statutes of the University or College;

To do or forbear from doing anything the doing or the not doing of which would tend to any such Concealment, Resistance, or Non-concurrence;

shall from the Time of the passing of this Act be an illegal Oath in the said University and the Colleges thereof, and no such Oath shall hereafter be administered or taken.

Power to Vice-Chancellor to license Members of the University to open their Residences for Reception of Students;

XXIII. Any Member of the University, of such Standing and Qualifications as may be provided by any Statute hereafter to be made, may obtain a Licence from the Vice-Chancellor to open his Residence, if situate within One Mile and a Half of Great Saint Mary's Church, for the Reception of Students, who shall be matriculated and admitted to all the Privileges of the University, without being of necessity entered as Members of any College; but no such Licence as aforesaid shall be granted by the Vice-Chancellor until such Regulations as are herein-after mentioned have come into operation.

Hostels.

XXIV. Every Person to whom such Licence is granted shall be called a Principal, and his Residence so opened as aforesaid shall be called a Hostel.

Power of University to make Statutes as to Hostels.

XXV. The University, before the First Day of January One thousand eight hundred and fifty-eight, may proceed to frame Statutes—

For regulating the Terms and Conditions of granting Licences to Principals, and the Qualifications of such Principals:

For

For the Government of Hostels, the Discipline of the Students therein, and their Status in the event of the Death or Removal of any such Principal, or of the Withdrawal or Suspension of his Licence:

For punishing Neglect or Breach of Regulation on the Part of a Principal by the Withdrawal or Suspension of his Licence, and on the Part of any Students by such reasonable Penalties or other Punishments as the University may think fit:

But no such Statute shall be of any Force or Effect unless and until it shall have been approved in the Manner herein-after mentioned.

If University omit to frame Statutes, &c., it shall be incumbent on Commissioners to do so.

XXVI. If the said University shall not, on or before the First Day of January One thousand eight hundred and fifty-eight, have framed, and submitted for the Approval of the Commissioners, such Statutes as may in the Opinion of the Commissioners be sufficient for carrying into effect the Objects of this Act with respect to the Establishment and Regulation of Hostels, the Commissioners shall forthwith proceed to frame Statutes in that Behalf.

Colleges to have Power to frame Statutes.

XXVII. It shall be lawful for the Governing Body of any College, or the major Part thereof, at any Time before the First Day of January One thousand eight hundred and fifty-eight, without Prejudice to any existing Interest of any Member of such College, and notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment either of such College or of any Emolument therein, to make Statutes for the Purposes following; (that is to say,)

1. For repealing, altering, and amending the College Statutes, and for making fresh Provision respecting the Eligibility of Persons to the Headship or the Fellowships or other College Emoluments, respecting the Right and Mode of appointing, nominating, or electing to such Headship, Fellowships, and Emoluments, and respecting the Duration and Conditions of the Tenure of such Fellowships and Emoluments, so as to insure such Fellowships and Emoluments being conferred according to personal Merits and Fitness, and being retained for such Periods as are likely to conduce to the better Advancement of the Interests of Religion and Learning, and for the said Objects to modify or abolish any Right of Preference:
2. For altering or abolishing the Oaths or any of them required to be taken by the Statutes of the College:
3. For re-distributing or apportioning the divisible Revenues of the College:
4. For rendering Portions of the College Property or Income available to Purposes for the Benefit of the University at large:

5. For the Consolidation, Division, or Conversion of Emoluments, including therein the Conversion of Fellowships or Scholarships attached to Schools into Scholarships or Exhibitions so attached, or either partly so attached and partly open, or altogether open, and of Fellowships otherwise limited into Scholarships or Exhibitions either subject or not subject to any similar or modified Limitation:

6. For the Creation of a sufficient Number of Open Scholarships either by Conversion of Fellowships or otherwise:

7. For incorporating Bye-fellowships with the original Foundation either in reduced Number or otherwise:

8. For transferring to the College in its corporate Capacity any Trusts now vested in any One or more of the Master and Fellows:

9. And generally for making further Provision for maintaining and improving the Discipline, Studies, and good Government of such College, and for amending the Statutes thereof from Time to Time:

But all Statutes so made by the Governing Body of such College, or the major Part thereof, shall be of no Force or Effect until they shall have been approved in the Manner herein-after mentioned: Provided that nothing herein contained with respect to the Right of nominating or appointing to the Headship of a College shall be deemed to apply to the Headship of Mary Magdalen College, unless the Consent by Deed of the Person or Persons entitled to such Right shall be first had and obtained.

Power to sever Benefices from Headship.

XXVIII. And whereas it is expedient, where certain Benefices with or without Cure of Souls are annexed to the Headship of a College, or may at the Option of the Head for the Time being be held with his Headship, to enable the Colleges to put an end to such Annexation or Option: Be it enacted, That it shall be lawful for the Governing Body of any College, at any Time before the First Day of January One thousand eight hundred and fifty-eight, without Prejudice to any existing Interest of any Member thereof, and notwithstanding anything contained in any Act of Parliament, or in any Deed or Instrument whatever, to make Statutes for putting an end to such Annexation or Option, and either for selling such Benefices or for adding them to the Number of those already in the Patronage of the College, and for making adequate Compensation out of its Revenues to the Head of the College for the consequent Diminution of his Income: Provided always, that all such Statutes shall be laid before the Commissioners, who shall have Power, by Writing under their Common Seal, to approve of or reject the same, and to remit the

the same from Time to Time for further Consideration or Revision, with Amendments or Alterations therein.

When Colleges omit to make Statutes Commissioners may frame them.

XXIX. If the Powers granted in the Twenty-seventh Section shall not be exercised by any College, or shall not be exercised to such Extent as the Commissioners may deem expedient, and no Statute for effecting the Objects of such Powers, or no Statute which the Commissioners may deem sufficient for that Purpose, shall be submitted by the Governing Body of such College, or the major Part thereof, to the Commissioners, and approved of by them, before the First Day of January One thousand eight hundred and fifty-eight, it shall be lawful for the Commissioners to frame such Statutes or such further Statutes as shall appear to them to be expedient for the Purpose of effecting or promoting the Objects which the College is herein-before empowered to effect or promote; and all such Statutes, if sanctioned and confirmed as herein-after required, shall take effect as Statutes of such College, notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment thereof: Provided always, that all such Statutes, when properly settled by the Commissioners, shall be laid before the College to which the same relate, and the Visitor thereof, Two Calendar Months at least before the same are submitted to Her Majesty in Council as herein-after directed; and if within the next Two Calendar Months, or where the Statutes shall have been laid before the College and Visitor in Vacation, then within Two Months after the First Day of the following Term, Two Thirds of the Governing Body of the said College shall by Writing under their Hands declare that in their Opinion any One or more of such Statutes will be prejudicial to the said College as a Place of Learning and Education, then such Statute or Statutes shall not take effect, but it shall be lawful for the Commissioners to frame and submit another Statute or other Statutes for the like Purpose to the said College, and so on as often as Occasion shall require.

University may frame new Statutes.

XXX. The Council of the Senate may prepare or cause to be prepared new Statutes,—

1. For repealing, altering, or adding to any of the existing Royal Statutes of the University:
2. Or for altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment held or enjoyed by the University, or by any Professor, Lecturer, Reader, Preacher, or Scholar therein, or the Endowment of Lady Sadler for Lecturers in the several Colleges, or the Endowment of the Offices of Christian Preacher and Christian Advocate, or the Endowment of William Worts for Bachelors of Arts, when it shall appear

to the Council that the Interests of Religion and Learning may be better advanced by such Alteration or Modification: And all such Statutes shall be submitted to the Senate by way of Grace for their Adoption or Rejection; but no such Statute shall be of any Force or Effect until it shall have been assented to by the Commissioners under their Seal, and shall have been approved by Her Majesty by an Order in Council as herein-after mentioned; but no Statute framed by the Council for altering or modifying the Trusts, Statutes, or Directions affecting the Endowments held by the Regius Professors of Greek, Hebrew, or Divinity, and which affect or alter any Statute of Trinity College touching such Professors or their Endowments, shall be submitted to the Senate until it shall have received the Assent of the said College under its Common Seal.

Commissioners may frame University Statutes.

XXXI. If no new Statute for any of the Purposes in the next preceding Section of this Act mentioned shall be submitted to the Commissioners for their Assent as aforesaid, or if any such new Statute for such Purpose shall not be approved by the Commissioners, and shall not be assented to by them, the Commissioners, after the First Day of January One thousand eight hundred and fifty-eight, may frame Statutes for such Purpose, and such Statutes shall be laid before Her Majesty in Council in the Manner herein-after directed.

Right of Preference belonging to Schools not to be abolished in certain Cases if Governors of Schools or CharityCommissioners dissent therefrom.

XXXII. If in the Execution of the Powers of this Act it shall be proposed by the Governing Body of any College, or the major Part thereof, or by the Commissioners to make any Statute for the Abolition of any Right of Preference in Elections to any Emolument within any College now lawfully belonging to any School or other Place of Education beyond the Precincts of the University individually named or designated in any Statute, Deed of Composition, or other Instrument of Foundation or Endowment, and which Right has been exercised or enjoyed by such School or Place of Education on the Occurrence of any One of the Three Occasions next before the passing hereof on which such Right might have been exercised or enjoyed, or for the Conversion of any Fellowship or Scholarship attached to such School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, where any Appointment or Election to any such Fellowship or Scholarship of a Person educated in such School or Place has taken place on the Occurrence of any One of the Three Vacancies of such Fellowship or Scholarship next before the passing of this Act, Notice thereof shall be given in Writing to the Governing Body of every such School or Place of Education, and also to the Commissioners appointed under "The Charitable Trusts Act, 1853," at least Two Calendar Months before any

any final Resolution for that Purpose shall be adopted by such College or by the Commissioners; and in Cases where it is proposed by such Statute to abolish any Right of Preference in Elections to any Emolument other than a Fellowship, or to convert any Fellowship or Scholarship attached to any School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, no such Statute shall be made if within Two Calendar Months after receiving such Notice Two Thirds of the said Governing Body, or if there shall be several Schools interested in such Right of Preference then Two Thirds of the aggregate Body composed of the several Governing Bodies of such Schools, or the said Commissioners appointed under "The Charitable Trusts Act, 1853," shall by Writing under their Hands and Seals declare their Opinion that such Statute would be prejudicial to such School or Place of Education as a Place of Learning and Education: Provided always, that every such Right of Preference, when retained, shall be subject to all such Statutes as may be made by the Governing Body of any College, or by the Commissioners, under the Powers given by this Act, for the Purpose of making such Emolument more conducive to the mutual Benefit of such College and such School or Place of Education as aforesaid, or of throwing the same open to general or extended Competition upon any Vacancy for which no Candidate or Claimant of sufficient Merit may offer himself from any School or Place of Education so entitled as aforesaid: Provided also, that where the Governing Body of any such School as aforesaid shall be a Corporate Body the Governing Body of the Corporation shall be deemed the Governing Body of the School; and when any Right of Preference shall belong to any School contingently only upon the Failure of fit Objects from some other School or Schools entitled to and in the Enjoyment of a prior Right of Preference, then and in such Case the Power of Dissent hereby given shall only belong to the Governing Body or Governing Bodies of the School or Schools entitled to and in the Enjoyment of the First Right of Preference; and if in any College where Fellowships are tenable by Undergraduates either the College or the Commissioners acting in respect thereof shall divide its Fellowships into Elder and Younger, the Elder only shall be taken to be Fellowships within the Meaning of this Section.

Notice served on the Principal of any School to be sufficient Notice to the Governing Body.

XXXIII. Where any such Notice in Writing as aforesaid is required to be given to the Governing Body of any School or Place of Education, such Notice, if served on the Master or Principal of any such School or Place of Education, shall be deemed and taken to be a sufficient Notice to the Governing Body of the same School or Place of Education for all the Purposes of this Act.

Statutes objected to by Governing Body of College, &c. to be laid before Parliament.

XXXIV. All Statutes framed by the Commissioners, and objected to by Two Thirds of the Governing Body or Bodies of the College, School, or Schools to which the same respectively relate, or by the said Commissioners appointed under the Charitable Trusts Act, 1853, shall, in all Cases where new Statutes shall not have been substituted under the Provisions of this Act for such as shall have been so objected to, be embodied in a Report to be transmitted forthwith to One of Her Majesty's Principal Secretaries of State, and laid before the Two Houses of Parliament.

Statutes as to Scholarships in Trinity College appropriated to Westminster School.

XXXV. And whereas by the Statutes of Trinity College and the Laws and Practice of Westminster School certain Scholarships in the said College have been annually appropriated to Scholars of the said School elected therefrom: Be it enacted, That the Governing Body of the said College, or the major Part thereof, with the Sanction of the Dean and Chapter of Westminster, signified by Writing under their Common Seal, may make and lay before the Commissioners any Statutes which to such College may seem fit for abolishing the said Preference of the said School, and for converting the said Scholarships into open Scholarships, and for enabling the said College to receive annually from the said School any Number of Exhibitioners not exceeding Three in any One Year, and may charge the Revenues of the said College with an annual Sum of Forty Pounds for each of such Exhibitioners for or towards his Maintenance from the Time of his commencing his Residence in the said College, and during such Residence until by the Statutes of the University he shall be qualified to apply for the Degree of Bachelor of Arts, and the said Dean and Chapter may frame Statutes, with the Consent of Trinity College and of Christ Church College, Oxford, as to the Studies to be prosecuted in the said School, and the Mode of electing the Head Master and Under Master thereof, and may frame Statutes, with the Consent of Trinity College, as to the Persons by whom and the Mode in which the Election of such Exhibitioners shall be made, and generally as to the Conditions on which such Exhibitions shall be held and enjoyed; and the Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Statutes: Provided always, that no such Exhibition shall be held for more than Three Years and a Quarter, and no such Exhibitioner shall by holding such Exhibition be disqualified from being elected a Scholar of the said College.

Statutes as to the Grindal Fellowship and Grindal Scholarships

XXXVI. And whereas certain Scholarships at Pembroke College, called the Grindal Scholarships, have heretofore been appropriated to Scholars educated at the Free Grammar School of Saint Beghes or Saint Bees in the County of Cumberland, and a certain Fellowship at the

the said College, called the Grindal Fellowship, has heretofore been appropriated to Scholars educated at the said School, and subsequently elected to the said Scholarships, and the Fellow and Scholars holding such Fellowship and Scholarships respectively have been from Time to Time maintained by the said College out of the general Revenues thereof, pursuant to a Covenant entered into by the Master, Fellows, and Scholars of the said College with the Keepers or Wardens and Governors of the said School, and contained in a certain Indenture of Demise, bearing Date the First Day of June in the Fourth Year of the Reign of His late Majesty King James the First, and made between the said Keeper and Governors of the one Part, and the said Master, Fellows, and Scholars of the other Part, by which Indenture, in consideration of the aforesaid Covenant on the Part of the said College, certain Lands situate at Croydon in the County of Surrey, called "Palmer's Fields," were demised by the Keepers or Wardens and Governors of the said School to the Master, Fellows, and Scholars of the said College, for the Term of One thousand Years from the Date of the said Indenture, at the yearly Rent of a Red Rose: Be it enacted, That it shall be lawful for the Governing Body of the said College or the major Part thereof, with the Consent of the Governing Body of the said School, to make and lay before the Commissioners Statutes for abolishing the aforesaid Preference of the said School, and for converting the said Grindal Fellowship and Grindal Scholarships partly into open Scholarships and partly into Exhibitions, and for that Purpose to charge the Revenues of the College with the Payment to the said School of an annual Sum to be applied in providing such Exhibitions for meritorious Scholars educated at the said School and proceeding to any College in the University of Cambridge; and it shall be lawful for the Governing Body of the said School to convey the Reversion in Fee Simple expectant upon the Determination of the aforesaid Term of One thousand Years in the aforesaid Lands, called "Palmer's Fields," to the said College, to be held by the said College as Part of the general Property thereof; and the Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Statutes.

at Pembroke College.

XXXVII. The College of King Henry the Sixth at Eton shall, for the Purposes of this Act, be subject to the Provisions herein contained with respect to Colleges, and shall have the same or the like Powers as are hereby given to the Colleges of the University, and be subject to the Authorities hereby conferred on the Commissioners for the Alteration and Amendment of Statutes, in like Manner as is hereby provided with respect to the Colleges of the University.

College of King Henry the Sixth at Eton to be subject to this Act.

Statutes to be laid before the Queen in Council.

XXXVIII. All Statutes which, under the Power herein contained, shall be made by the Governing Body of any College or the major Part thereof, and be approved of by the Commissioners, and all Statutes which shall be framed by the Commissioners, and not objected to in manner aforesaid, and every Statute passed by the University or framed by the Commissioners under the Powers herein-before contained, for the Regulation of Hostels, or for altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment, or for repealing, altering, or adding to any of the existing Royal Statutes of the University, shall, as to Statutes made by the Commissioners, and liable to be objected to in manner aforesaid, after the Expiration of the Period within which the same may be objected to, and as to all other Statutes without any unnecessary Delay, be laid before Her Majesty in Council, and be forthwith published in the London Gazette; and it shall be lawful for every College, and for the Visitor thereof, and for the Trustees, Governors, and Patron of any University or College Emolument, and for the University, and for any other Person directly affected by such new Statutes, within One Month after the Publication as aforesaid in the London Gazette, to petition Her Majesty in Council praying Her Majesty to withhold Her Approbation of the whole or of any Part thereof; and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, who shall be named in such Order, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Power to Colleges, &c. to petition Her Majesty against Approbation thereof, &c.

Statutes to be laid before Parliament.

XXXIX. All Statutes which shall be so published in the London Gazette as aforesaid shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within Three Weeks after the Commencement of the next ensuing Session of Parliament; and, unless an Address is within Forty Days presented by One or other of the said Houses, praying Her Majesty to withhold Her Consent from such Statutes, or any Parts thereof, or unless the Approbation of Her Majesty shall be withheld on such Petition as aforesaid, it shall be lawful for Her Majesty, by Order in Council, to declare Her Approbation of such Statutes respectively, or any Parts thereof to which such Address shall not relate or of which She shall not withhold Her Approbation on such Petition, and the same shall thereupon become Statutes of the University of Cambridge, or of the College therein to which the same respectively relate; and if any such Statutes, or any Part thereof, shall not be so approved by Her Majesty, then the Commissioners

missioners may thereupon proceed to frame other Statutes in the Matter, subject to the same Conditions and Provisions as to the Approbation of Her Majesty in Council, and all other Conditions and Provisions, as are imposed by this Act in relation to the making of the original Statutes by the Commissioners, and so on from Time to Time as often as Occasion shall require.

Repeal of University Statutes of Elizabeth.

XL. After the First Day of January One thousand eight hundred and sixty, the Statutes made by Queen Elizabeth in the Year of our Lord One thousand five hundred and seventy for the Government and Regulation of the University, or such and so much of them or of any of them as shall be then unrepealed by any Statute made under the Authority of this Act, shall be repealed, but not so as to revive any Statute of the University thereby repealed.

Interpretation of University Statutes.

XLI. If any Doubt shall arise with respect to the true Intent and Meaning of any of the new Statutes of the University framed and approved as aforesaid, or of any Statute which may hereafter be approved in the Manner herein-after mentioned for amending or altering the same, the Council may apply to the Chancellor of the University for the Time being, and it shall be lawful for him to declare in Writing the Intent and Meaning of the Statute on the Matter submitted to him, and such Declaration shall be registered by the Registrary of the University, and the Intent and Meaning of the Statute as therein declared shall be deemed the true Intent and Meaning thereof.

Statutes subject to Repeal, &c.

XLII. Every Statute made in pursuance of the Provisions of this Act by the University, or by any College, or by the Commissioners, and likewise all Provisions herein-before contained respecting the Election, Constitution, Powers, and Proceedings of the Council of the Senate, or respecting Hostels, shall be subject to Repeal, Amendment, and Alteration from Time to Time by the University or College, as the Case may be, with the Approval of Her Majesty in Council.

Persons becoming Members not to possess vested Interests.

XLIII. No Person who, after the passing of this Act, shall become a Member of any College, or shall be elected or become eligible to any University or College Emolument, shall be deemed or taken to have acquired or to possess an existing Interest within the Meaning of this Act.

Not necessary to make Declaration or take an Oath on matriculating,

XLIV. From the First Day of Michaelmas Term One thousand eight hundred and fifty-six no Person shall be required, upon matriculating, or upon taking, or to enable him to take, any Degree in Arts, Law, Medicine, or Music, in the said University, to take any Oath or

nor on taking a Degree.

to make any Declaration or Subscription whatever; but such Degree shall not, until the Person obtaining the same shall, in such Manner as the University may from Time to Time prescribe, have subscribed a Declaration stating that he is, bonâ fide a Member of the Church of England, entitle him to be or to become a Member of the Senate, or constitute a Qualification for the holding of any Office, either in the University or elsewhere, which has been heretofore always held by a Member of the United Church of England and Ireland, and for which such Degree has heretofore constituted One of the Qualifications.

Stamp Duties abolished.

XLV. The Stamp Duties now payable on Matriculations and Degrees shall be abolished so soon as Provision shall have been made by the University, to the Satisfaction of the Commissioners of Her Majesty's Treasury, in lieu of the Monies heretofore voted annually by Parliament.

Powers of University to continue in force, except as altered by this Act.

XLVI. Except in so far as they are expressly altered or taken away by the Provisions of this Act, the Powers and Privileges of the University and its Officers, and of the Colleges and their Officers, shall continue in full Force.

Interpretation of Terms.

XLVII. In the Construction of this Act the Expression "University or College Emolument" shall include all Headships, Fellowships, Bye-Fellowships, Scholarships, Exhibitions, Bible Clerkships, Sizarships, Subsizarships, and every other such Place of Emolument payable out of the Revenues of the University or of any College, or to be held and enjoyed by the Members of any College as such within the University; and the Word "Professor" shall be taken to include the Three Royal Professors of Hebrew, Greek, and Divinity, and Public Readers or Lecturers in the University, except the Barnaby Lecturers; and the Governing Body of any College shall mean the Head and all actual Fellows thereof, Bye-Fellows excepted, being Graduates, and in Downing College shall mean the Head, Professors, and all actual Fellows thereof, Bye-Fellows excepted, being Graduates; and the Word "Statutes" shall be taken to include all Ordinances and Regulations of the University, and all Ordinances and Regulations contained in any Charter, Deed of Composition, or other Instrument of Foundation or Endowment of a College, and all Byelaws, Ordinances, and Regulations.

Clause A. Parts of Lands Clauses Act, 1845, incorporated herewith.

XLVIII. The Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands

Lands required by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall be incorporated with and form Part of this Act, so far as relates to Land within the Town of Cambridge required for the Erection of any Buildings for the Extension of the Buildings of the said University, or of any College therein, and as if the Corporate Name of the University or College, as the Case may be, had been inserted therein instead of the Expression "the Promoters of the Undertaking."

CLAUSE B. Powers given by Sections 27., 28, and 30. may be exercised, notwithstanding any Act, Decree, or Order.

XLIX. The several Powers given by Sections Twenty-seven, Twenty-eight, and Thirty of this Act may be exercised, notwithstanding anything contained in any Act of Parliament, or any Decree or Order constituting, either wholly or in part, an Instrument of Foundation or Endowment, or confirming or varying any Foundation or Endowment, or otherwise regulating any College or Hall, in respect of which any such Power may be exercised in like Manner as if such Acts of Parliament, Decrees, and Orders had been expressly mentioned in the said Sections.

CLAUSE C. Elections to Emoluments may be suspended.

L. Where, upon an Application of the University as to any University Emolument, or upon the Application of any College as to any Emolument within such College, it may appear to the Commissioners that it would be advisable for the Purposes of this Act to suspend for a limited Period the Election to such Emolument (not being the Headship of a College or Hall), it shall be lawful for the Commissioners, by Instrument under their Common Seal, to authorize the University or such College, as the Case may be, to suspend such Election accordingly for such a Time as may appear to the Commissioners sufficient for the Purposes aforesaid

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton.

(*Prepared and brought in by Mr. Bouverie and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed*, 9 *June* 1856.

[Bill 168.]

Under 3 oz.

A

BILL

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED]

TO

Make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton.

[Note.—*Clause* A. *was added in Committee, Clauses* B. *and* C. *were added on Re-commitment, and Clause* D. *on Consideration of Bill as amended.*]

Preamble.

WHEREAS it is expedient, for the Advancement of Religion and Learning, to enlarge the Powers of making and altering Statutes, Ordinances, and Regulations now possessed by the University of Cambridge and the Colleges thereof, and to make and enable to be made further Provision for the Government and for the Extension of the said University, and for the Abrogation of Oaths now taken therein, and otherwise for maintaining and improving the Discipline and Studies and the good Government of the said University of Cambridge and the Colleges thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of Commissioners.

I. The several Persons herein-after named, (that is to say,) the Right Reverend John Lord Bishop of Lichfield, the Right Reverend John

John Lord Bishop of Chester, the Right Honourable Edward Henry Stanley, commonly called Lord Stanley, the Right Honourable Matthew Talbot Baines, Vice Chancellor Sir William Page Wood, Knight, the Right Honourable Sir Laurence Peel, Knight, the Very Reverend George Peacock, Dean of Ely, and the Reverend Charles John Vaughan, Doctor in Divinity, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal, and Three of the said Commissioners shall be a Quorum, and the Commissioner appointed or acting as Chairman shall have a Second or Casting Vote when the Votes of the said Commissioners shall be equally divided.

Duration of Powers of Commissioners.

II. The Powers hereby conferred on the Commissioners shall be in force until the First Day of January One thousand eight hundred and fifty-nine, and it shall be lawful for Her Majesty, if She shall think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of January One thousand eight hundred and sixty, and no longer.

Vacancy in Number of Commissioners.

III. If any Vacancy occurs in the Number of such Commissioners, by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

Commissioners empowered to require Production of Documents, &c.

IV. In the Exercise of the Authorities hereby vested in the Commissioners they shall have Power to require from any Officer of the University of Cambridge or of any College therein the Production of any Documents or Accounts relating to such University or College, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof respectively; and no Oath which may have been taken by any such Officer shall be a Bar to any Authorities of the Commissioners.

Constitution of the University.

Establishment of Council of the Senate.

V. Upon the Sixth Day of November One thousand eight hundred and fifty-six all Powers, Privileges, and Functions now possessed or exercised by the Caput Senatus of the said University shall cease, and upon the Seventh Day of the said Month of November One thousand eight hundred and fifty-six there shall be elected in manner herein-after mentioned a Council, which shall be called the Council of the Senate, and which shall consider and prepare all Graces to be offered to the Senate, whether proceeding from individual Members of the Senate or from Syndicates, and no Grace shall be offered to the Senate without the Sanction of the major Part of those voting upon it in the Council.

Composition of Council.

VI. The Council of the Senate shall consist of the Chancellor, the Vice-Chancellor, Four Heads of Colleges, Four Professors of the University,

University, and Eight Members of the Senate, such Members being chosen from the Electoral Roll herein-after mentioned, such Heads of Colleges, Professors, and Members of the Senate to be elected by the Persons whose Names shall be on such Electoral Roll: Provided always, that there shall never be more than Two Members of the same College among such last-mentioned Eight elected Members.

Vice-Chancellor to promulgate Lists of Members of Senate.

VII. The Vice-Chancellor shall on or before Monday the Thirteenth Day of October One thousand eight hundred and fifty-six, and also on or before the Second Monday in October in every Year, cause to be promulgated, in such Way as may to him seem expedient for the Purpose of giving Publicity thereto, a List of the Members of the Senate, whom he shall ascertain to have resided within One Mile and a Half of Great Saint Mary's Church for Fourteen Weeks at the least between the First Day of the preceding Michaelmas Term and the First Day of the said Month of October.

Lists may be objected to and amended.

VIII. The Vice-Chancellor shall at the same Time fix some convenient Time and Place, not more than Fourteen nor less than Seven Days from the Time of such Promulgation, for publicly hearing Objections to the said List, which any Member of the Senate may make on the Ground of any Person being improperly placed on or omitted from the said List; and if any such Objections shall appear to the Vice-Chancellor to be well founded, he shall correct the said List accordingly, and he shall thereupon sign and promulgate the said List, which shall thenceforth be the Electoral Roll for the Year thence next ensuing, and until a new Roll shall in like Manner have been promulgated.

Periodical vacating of Seats.

IX. Two of the Heads of Colleges, Two of the Professors, and Four of the other Members of the Council to be elected on the Seventh Day of November One thousand eight hundred and fifty-six shall be elected to hold Office for Two Years only, and shall vacate their Seats at the End of Two Years, and the other Members of the Council to be then elected shall hold Office for Four Years, and shall vacate their Seats at the End of Four Years; and the Election of the Two Heads of Colleges, Two Professors, and Four other Members of the Council, who are to hold Office for Two Years only, shall be made separately from the Election of the other Heads of Colleges and Professors and other Members of the Council.

Supply of periodical Vacancies.

X. The Places of the Members of the Council vacating their Seats shall be supplied by a new Election, to be made on the Seventh of November, or in case the Seventh of November should be Sunday, on the Eighth of November in every other Year, in the same

same Manner as is herein-before prescribed as to the Election to take place on the Seventh Day of November One thousand eight hundred and fifty-six, save only that all Members of the Council to be then elected shall be elected to hold Office for Four Years; and all Members so vacating their Seats shall (if otherwise eligible) be capable of Re-election.

Members may be re-elected.

Filling up of casual Vacancies.

XI. Any casual Vacancy occurring by Death, Resignation, or otherwise among the Members of the Council shall be filled by the Election of a qualified Person, according to the Directions of this Act, upon a Day not later than Twenty-one Days, or sooner than Seven Days after such Occurrence, to be fixed by the Vice-Chancellor and publicly notified by him; but if such Vacancy shall occur during Vacation the Occurrence shall be deemed for the Purpose of such Notice to have taken place on the First Day of the ensuing Term; and the Person so elected shall be subject to the same Rules and Conditions as to the Tenure of Office, and in all other respects, as the Person to whose Place he succeeds would have been subject to if no such Vacancy had taken place.

Votes of Electors.

XII. In all Elections of Members of the Council every Elector may vote for any Number of Persons, being Heads of Colleges, Professors, or Members of the Senate as aforesaid respectively, not exceeding the Number of Heads of Colleges, Professors, or Members of the Senate respectively to be then chosen; and in case of an Equality of Votes for any Two or more of such Heads of Colleges, Professors, or Members of the Senate respectively, the Vice-Chancellor shall name from amongst those Persons for whom the Number of Votes shall be equal, as many as shall be requisite to complete the Number of Heads of Colleges, Professors, or Members of the Senate to be then chosen.

Absence from Meetings to create a Vacancy.

XIII. If any Member of the Council, other than the Chancellor or the Vice-Chancellor, shall have been absent from all the Meetings of the Council during the whole of One Term, his Seat shall at the Close of such Term become and shall be declared by the Vice-Chancellor to be vacant.

Vice-Chancellor's Seat not vacant.

XIV. If any Member of the Council shall become Vice-Chancellor his Seat shall not thereby become vacant, nor shall the Seat of any Member of the Council become vacant by reason that after his Election he may have become or may have ceased to be a Professor or a Head of a College: Provided always, that if any of the Eight Members of the Senate chosen from the Electoral Roll as aforesaid shall

shall afterwards cease to be on the Electoral Roll, his Seat shall thereupon become and be declared to be vacant.

Professors eligible.

XV. No Professor shall be ineligible for the Council by reason of anything contained in the Statutes of his Foundation.

Vice-Chancellor to make Regulations respecting Council.

XVI. The Vice-Chancellor shall, before the Tenth Day of October One thousand eight hundred and fifty-six, make and promulgate all such Regulations as to the voting for, Election, Resignation, and Return of Members of the Council, as may be necessary for the Election and assembling of the Council according to this Act, and for keeping the Number of such Council complete, and shall appoint the Time and Place at which they shall assemble; and if the Vice-Chancellor fails to comply with the Provisions of this Section, the Commissioners shall thereupon make such Regulations in respect of the Matters aforesaid as they may think fit.

Power to Council to make Rules for Regulation of its own Proceedings.

XVII. Subject to the Provisions of this Act, and without Prejudice to the Rights of the Senate in the making of Statutes, Regulations, and Ordinances for the University of Cambridge, the Council shall have Power from Time to Time to make Rules for the Regulation of its own Proceedings, and to revise or alter the Regulations herein-before directed to be made by the Vice-Chancellor, or, in the Case of his failing to do so, by the Commissioners, and also to appoint Committees for the Purpose of examining all Questions referred to them by the said Council.

Date of Meeting.

XVIII. The Council shall meet for the Despatch of Business on the Eighth Day of November One thousand eight hundred and fifty-six.

Who shall be President of the Council.

XIX. The President of the Council shall be the Chancellor, or in his Absence the Vice-Chancellor, or a Member of the Council appointed by the Vice-Chancellor to act as his Deputy, or if at any Council duly convened and assembled neither the Chancellor nor the Vice-Chancellor nor any Deputy so appointed shall be present, then some Member to be chosen by the Members of the Council then assembled.

Quorum of Council.

Questions in the Council to be decided by the Majority.

XX. No Business shall be transacted in the Council unless Five Members at least be present; and all Questions in the Council shall be decided by the Majority of the Votes of the Members present, and the President shall have a Second or Casting Vote when the Votes are equally divided: Provided always, that in case of a Difference of Opinion between the Chancellor, or the Vice-Chancellor or his Deputy, and the Majority of the Members present at any Meeting

of the Council, the Question as to which such Difference may exist shall not be deemed to be carried by such Majority unless the same shall constitute a Majority of the whole Council, but in such Case the Question shall be adjourned to the next Meeting of the Council, and such adjourned Question shall be finally decided by the Majority of the Members of Council then present.

Council to nominate to Offices.

XXI. The Council shall nominate Two qualified Persons to the Senate, of whom the Senate shall choose One in the Manner heretofore accustomed to fill every vacant Office in the University, to which the Heads of Colleges have heretofore nominated Two Persons to the Senate; provided always, that the Persons nominated as aforesaid to the Office of Vice-Chancellor shall be Heads of Colleges.

Certain Oaths illegal.

XXII. Every Oath directly or indirectly binding the Juror—

Not to disclose any Matter or Thing relating to his College, although required so to do by lawful Authority;

To resist or not concur in any Change in the Statutes of the University or College;

To do or forbear from doing anything the doing or the not doing of which would tend to any such Concealment, Resistance, or Non-concurrence;

shall from the Time of the passing of this Act be an illegal Oath in the said University and the Colleges thereof, and no such Oath shall hereafter be administered or taken.

Power to Vice-Chancellor to license Members of the University to open their Residences for Reception of Students;

XXIII. Any Member of the University, of such Standing and Qualifications as may be provided by any Statute hereafter to be made, may obtain a Licence from the Vice-Chancellor to open his Residence, if situate within One Mile and a Half of Great Saint Mary's Church, for the Reception of Students, who shall be matriculated and admitted to all the Privileges of the University, without being of necessity entered as Members of any College; but no such Licence as aforesaid shall be granted by the Vice-Chancellor until such Regulations as are herein-after mentioned have come into operation.

Hostels.

XXIV. Every Person to whom such Licence is granted shall be called a Principal, and his Residence so opened as aforesaid shall be called a Hostel.

Power of University to make Statutes as to Hostels.

XXV. The University, before the First Day of January One thousand eight hundred and fifty-eight, may proceed to frame Statutes—

For regulating the Terms and Conditions of granting Licences to Principals, and the Qualifications of such Principals:

For

For the Government of Hostels, the Discipline of the Students therein, and their Status in the event of the Death or Removal of any such Principal, or of the Withdrawal or Suspension of his Licence:

For punishing Neglect or Breach of Regulation on the Part of a Principal by the Withdrawal or Suspension of his Licence, and on the Part of any Students by such reasonable Penalties or other Punishments as the University may think fit:

But no such Statute shall be of any Force or Effect unless and until it shall have been approved in the Manner herein-after mentioned.

If University omit to frame Statutes, &c., it shall be incumbent on Commissioners to do so.

XXVI. If the said University shall not, on or before the First Day of January One thousand eight hundred and fifty-eight, have framed, and submitted for the Approval of the Commissioners, such Statutes as may in the Opinion of the Commissioners be sufficient for carrying into effect the Objects of this Act with respect to the Establishment and Regulation of Hostels, the Commissioners shall forthwith proceed to frame Statutes in that Behalf.

Colleges to have Power to frame Statutes.

XXVII. In order to promote useful Learning and religious Education in the Colleges and University, and the main Design of the Founders and Donors so far as is consistent with these Purposes, it shall be lawful for the Governing Body of any College, or the major Part thereof, at any Time before the First Day of January One thousand eight hundred and fifty-eight, without Prejudice to any existing Interest of any Member of such College, and notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment either of such College or of any Emolument therein, to make Statutes for the Purposes following; (that is to say,)

1. For repealing, altering, and amending the College Statutes, and for making fresh Provision respecting the Eligibility of Persons to the Headship or the Fellowships or other College Emoluments, respecting the Right and Mode of appointing, nominating, or electing to such Headship, Fellowships, and Emoluments, and respecting the Duration and Conditions of the Tenure of such Fellowships and Emoluments, so as to insure such Fellowships and Emoluments being conferred according to personal Merits and Fitness, and being retained for such Periods as are likely to conduce to the better Advancement of the Interests of Religion and Learning, and for the said Objects to modify or abolish any Right of Preference:
2. For altering or abolishing the Oaths or any of them required to be taken by the Statutes of the College:

3. For re-distributing or apportioning the divisible Revenues of the College:
4. For rendering Portions of the College Property or Income available to Purposes for the Benefit of the University at large:
5. For the Consolidation, Division, or Conversion of Emoluments, including therein the Conversion of Fellowships or Scholarships attached to Schools into Scholarships or Exhibitions so attached, or either partly so attached and partly open, or altogether open, and of Fellowships otherwise limited into Scholarships or Exhibitions either subject or not subject to any similar or modified Limitation:
6. For the Creation of a sufficient Number of Open Scholarships either by Conversion of Fellowships or otherwise:
7. For incorporating Bye-fellowships with the original Foundation either in reduced Number or otherwise:
8. For transferring to the College in its corporate Capacity any Trusts now vested in any One or more of the Master and Fellows:
9. And generally for making further Provision for maintaining and improving the Discipline, Studies, and good Government of such College, and for amending the Statutes thereof from Time to Time:

But all Statutes so made by the Governing Body of such College, or the major Part thereof, shall be of no Force or Effect until they shall have been approved in the Manner herein-after mentioned: Provided that nothing herein contained with respect to the Right of nominating or appointing to the Headship of a College shall be deemed to apply to the Headship of Mary Magdalen College, unless the Consent by Deed of the Person or Persons entitled to such Right shall be first had and obtained.

Power to sever Benefices from Headship.

XXVIII. And whereas it is expedient, where certain Benefices with or without Cure of Souls are annexed to the Headship of a College, or may at the Option of the Head for the Time being be held with his Headship, to enable the Colleges to put an end to such Annexation or Option: Be it enacted, That it shall be lawful for the Governing Body of any College or the major Part thereof, at any Time before the First Day of January One thousand eight hundred and fifty-eight, without Prejudice to any existing Interest of any Member thereof, and notwithstanding anything contained in any Act of Parliament or in any Deed or Instrument whatever, to make Statutes for putting an end to such Annexation or Option, and either for selling such Benefices or for adding them to the Number of those already in the Patronage of the

the College, and for making adequate Compensation out of its Revenues to the Head of the College for the consequent Diminution of his Income: Provided always, that all such Statutes shall be laid before the Commissioners, who shall have Power, by Writing under their Common Seal, to approve of or reject the same, and to remit the same from Time to Time for further Consideration or Revision, with Amendments or Alterations therein.

When Colleges omit to make Statutes Commissioners may frame them.

XXIX. If the Powers granted in the Twenty-seventh Section shall not be exercised by any College, or shall not be exercised to such Extent as the Commissioners may deem expedient, and no Statute for effecting the Objects of such Powers, or no Statute which the Commissioners may deem sufficient for that Purpose, shall be submitted by the Governing Body of such College, or the major Part thereof, to the Commissioners, and approved of by them, before the First Day of January One thousand eight hundred and fifty-eight, it shall be lawful for the Commissioners to frame such Statutes or such further Statutes as shall appear to them to be expedient for the Purpose of effecting or promoting the Objects which the College is herein-before empowered to effect or promote; and all such Statutes, if sanctioned and confirmed as herein-after required, shall take effect as Statutes of such College, notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment thereof: Provided always, that all such Statutes, when properly settled by the Commissioners, shall be laid before the College to which the same relate, and the Visitor thereof, Two Calendar Months at least before the same are submitted to Her Majesty in Council as herein-after directed; and if within the next Two Calendar Months, or where the Statutes shall have been laid before the College and Visitor in Vacation, then within Two Months after the First Day of the following Term, Two Thirds of the Governing Body of the said College shall by Writing under their Hands declare that in their Opinion any One or more of such Statutes will be prejudicial to the said College as a Place of Learning and Education, then such Statute or Statutes shall not take effect, but it shall be lawful for the Commissioners to frame and submit another Statute or other Statutes for the like Purpose to the said College, and so on as often as Occasion shall require.

University may frame new Statutes.

XXX. The Council of the Senate may prepare or cause to be prepared new Statutes,—

1. For repealing, altering, or adding to any of the existing Royal Statutes of the University:
2. Or, in order to promote useful Learning and Religious Education and the main Designs of the Founders and Donors so far as is consistent with these Purposes, for altering or modifying the

Trusts, Statutes, or Directions affecting any Gift or Endowment held or enjoyed by the University, or by any Professor, Lecturer, Reader, Preacher, or Scholar therein, or the Endowment of Lady Sadler for Lecturers in the several Colleges, or the Endowment of the Offices of Christian Preacher and Christian Advocate, or the Endowment of William Worts for Bachelors of Arts:

And all such Statutes shall be submitted to the Senate by way of Grace for their Adoption or Rejection; but no such Statute shall be of any Force or Effect until it shall have been assented to by the Commissioners under their Seal, and shall have been approved by Her Majesty by an Order in Council as herein-after mentioned; but no Statute framed by the Council for altering or modifying the Trusts, Statutes, or Directions affecting the Endowments held by the Regius Professors of Greek, Hebrew, or Divinity, and which affect or alter any Statute of Trinity College touching such Professors or their Endowments, shall be submitted to the Senate until it shall have received the Assent of the said College under its Common Seal.

Commissioners may frame University Statutes.

XXXI. If no new Statute for any of the Purposes in the next preceding Section of this Act mentioned shall be submitted to the Commissioners for their Assent as aforesaid, or if any such new Statute for such Purpose shall not be approved by the Commissioners, and shall not be assented to by them, the Commissioners, after the First Day of January One thousand eight hundred and fifty-eight, may frame Statutes for such Purpose, and such Statutes shall be laid before Her Majesty in Council in the Manner herein-after directed: Provided always, that any such Statutes framed by the Commismissioners as shall be for the altering or modifying any of the said Trusts, Statutes, or Directions affecting any Gift or Endowment held or enjoyed by the University, or by any Professor, Lecturer, Reader, Preacher, or Scholar therein, or the said Endowments of Lady Sadler, or of the Offices of Christian Preacher and Christian Advocate, or of William Worts, shall be laid before the Council of the Senate Two Calendar Months before the same are submitted to Her Majesty in Council as herein-after directed; and if within the next Two Calendar Months, or if such Statutes shall be laid before the Council in Vacation, then within Two Calendar Months from the First Day of the following Term, Two Thirds of the whole Council shall, by Writing under their Hands and Seals, declare that in their Opinion any One or more of such Statutes will be prejudicial to the University as a Place of Learning and Education, then such Statute or Statutes shall not take effect, but it shall be lawful for the Commissioners to frame and submit another Statute or other Statutes for the like Purpose, and so on as often as Occasion shall require.

XXXII. If

Right of Preference belonging to Schools not to be abolished in certain Cases if Governors of Schools or Charity Commissioners dissent therefrom

XXXII. If in the Execution of the Powers of this Act it shall be proposed by the Governing Body of any College, or the major Part thereof, or by the Commissioners to make any Statute for the Abolition of any Right of Preference in Elections to any Emolument within any College now lawfully belonging to any School or other Place of Education beyond the Precincts of the University individually named or designated in any Statute, Deed of Composition, or other Instrument of Foundation or Endowment, and which Right has been exercised or enjoyed by such School or Place of Education on the Occurrence of any One of the Three Occasions next before the passing hereof on which such Right might have been exercised or enjoyed, or for the Conversion of any Fellowship or Scholarship attached to such School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, where any Appointment or Election to any such Fellowship or Scholarship of a Person educated in such School or Place has taken place on the Occurrence of any One of the Three Vacancies of such Fellowship or Scholarship next before the passing of this Act, Notice thereof shall be given in Writing to the Governing Body of every such School or Place of Education, and also to the Commissioners appointed under "The Charitable Trusts Act, 1853," at least Two Calendar Months before any final Resolution for that Purpose shall be adopted by such College or by the Commissioners; and in Cases where it is proposed by such Statute to abolish any Right of Preference in Elections to any Emolument other than a Fellowship, or to convert any Fellowship or Scholarship attached to any School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, no such Statute shall be made if within Two Calendar Months after receiving such Notice Two Thirds of the said Governing Body, or if there shall be several Schools interested in such Right of Preference then Two Thirds of the aggregate Body composed of the several Governing Bodies of such Schools, or the said Commissioners appointed under "The Charitable Trusts Act, 1853," shall by Writing under their Hands and Seals declare their Opinion that such Statute would be prejudicial to such School or Place of Education as a Place of Learning and Education: Provided always, that every such Right of Preference, when retained, shall be subject to all such Statutes as may be made by the Governing Body of any College, or by the Commissioners, under the Powers given by this Act, for the Purpose of making such Emolument more conducive to the mutual Benefit of such College and such School or Place of Education as aforesaid, or of throwing the same open to general or extended Competition upon any Vacancy for which no Candidate or Claimant of sufficient Merit may offer himself from any School or Place

of Education so entitled as aforesaid: Provided also, that where the Governing Body of any such School as aforesaid shall be a Corporate Body the Governing Body of the Corporation shall be deemed the Governing Body of the School; and when any Right of Preference shall belong to any School contingently only upon the Failure of fit Objects from some other School or Schools entitled to and in the Enjoyment of a prior Right of Preference, then and in such Case the Power of Dissent hereby given shall only belong to the Governing Body or Governing Bodies of the School or Schools entitled to and in the Enjoyment of the First Right of Preference; and if in any College where Fellowships are tenable by Undergraduates either the College or the Commissioners acting in respect thereof shall divide its Fellowships into Elder and Younger, the Elder only shall be taken to be Fellowships within the Meaning of this Section.

Notice served on the Principal of any School to be sufficient Notice to the Governing Body.

XXXIII. Where any such Notice in Writing as aforesaid is required to be given to the Governing Body of any School or Place of Education, such Notice, if served on the Master or Principal of any such School or Place of Education, shall be deemed and taken to be a sufficient Notice to the Governing Body of the same School or Place of Education for all the Purposes of this Act.

Statutes objected to by Governing Body of College, &c. to be laid before Parliament.

XXXIV. All Statutes framed by the Commissioners, and objected to by Two Thirds of the Governing Body or Bodies of the College, School, or Schools to which the same respectively relate, or by the said Commissioners appointed under the Charitable Trusts Act, 1853, shall, in all Cases where new Statutes shall not have been substituted under the Provisions of this Act for such as shall have been so objected to, be embodied in a Report to be transmitted forthwith to One of Her Majesty's Principal Secretaries of State, and laid before the Two Houses of Parliament.

Statutes as to Scholarships in Trinity College appropriated to Westminster School.

XXXV. And whereas by the Statutes of Trinity College and the Laws and Practice of Westminster School certain Scholarships in the said College have been annually appropriated to Scholars of the said School elected therefrom: Be it enacted, That the Governing Body of the said College, or the major Part thereof, with the Sanction of the Dean and Chapter of Westminster, signified by Writing under their Common Seal, may make and lay before the Commissioners any Statutes which to such College may seem fit for abolishing the said Preference of the said School, and for converting the said Scholarships into open Scholarships, and for enabling the said College to receive annually from the said School any Number of Exhibitioners not exceeding Three in any One Year, and may charge the Revenues of the said College with an annual Sum of Forty Pounds for

for each of such Exhibitioners for or towards his Maintenance from the Time of his commencing his Residence in the said College, and during such Residence until by the Statutes of the University he shall be qualified to apply for the Degree of Bachelor of Arts, and the said Dean and Chapter may frame Statutes, with the Consent of Trinity College and of Christ Church College, Oxford, as to the Studies to be prosecuted in the said School, and the Mode of electing the Head Master and Under Master thereof, and may frame Statutes, with the Consent of Trinity College, as to the Persons by whom and the Mode in which the Election of such Exhibitioners shall be made, and generally as to the Conditions on which such Exhibitions shall be held and enjoyed; and the Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Statutes: Provided always, that no such Exhibition shall be held for more than Three Years and a Quarter, and no such Exhibitioner shall by holding such Exhibition be disqualified from being elected a Scholar of the said College.

Statutes as to the Grindal Fellowship and Grindal Scholarships at Pembroke College.

XXXVI. And whereas certain Scholarships at Pembroke College, called the Grindal Scholarships, have heretofore been appropriated to Scholars educated at the Free Grammar School of Saint Beghes or Saint Bees in the County of Cumberland, and a certain Fellowship at the said College, called the Grindal Fellowship, has heretofore been appropriated to Scholars educated at the said School, and subsequently elected to the said Scholarships, and the Fellow and Scholars holding such Fellowship and Scholarships respectively have been from Time to Time maintained by the said College out of the general Revenues thereof, pursuant to a Covenant entered into by the Master, Fellows, and Scholars of the said College with the Keepers or Wardens and Governors of the said School, and contained in a certain Indenture of Demise, bearing Date the First Day of June in the Fourth Year of the Reign of His late Majesty King James the First, and made between the said Keeper and Governors of the one Part, and the said Master, Fellows, and Scholars of the other Part, by which Indenture, in consideration of the aforesaid Covenant on the Part of the said College, certain Lands situate at Croydon in the County of Surrey, called "Palmer's Fields," were demised by the Keepers or Wardens and Governors of the said School to the Master, Fellows, and Scholars of the said College, for the Term of One thousand Years from the Date of the said Indenture, at the yearly Rent of a Red Rose: Be it enacted, That it shall be lawful for the Governing Body of the said College or the major Part thereof, with the Consent of the Governing Body of the said School, to make and lay before the Commissioners Statutes for abolishing the aforesaid Preference of the said School, and for converting the said Grindal Fellowship and

Grindal Scholarships partly into open Scholarships and partly into Exhibitions, and for that Purpose to charge the Revenues of the said College with the Payment to the said School of an annual Sum to be applied in providing such Exhibitions for meritorious Scholars educated at the said School and proceeding to any College in the University of Cambridge; and it shall be lawful for the Governing Body of the said School to convey the Reversion in Fee Simple expectant upon the Determination of the aforesaid Term of One thousand Years in the aforesaid Lands, called "Palmer's Fields," to the said College, to be held by the said College as Part of the general Property thereof; and the Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Statutes.

College of King Henry the Sixth at Eton to be subject to this Act.

XXXVII. The College of King Henry the Sixth at Eton shall, for the Purposes of this Act, be subject to the Provisions herein contained with respect to Colleges, and shall have the same or the like Powers as are hereby given to the Colleges of the University, and be subject to the Authorities hereby conferred on the Commissioners for the Alteration and Amendment of Statutes, in like Manner as is hereby provided with respect to the Colleges of the University.

Statutes to be laid before the Queen in Council.

XXXVIII. All Statutes which, under the Power herein contained, shall be made by the Governing Body of any College or the major Part thereof, and be approved of by the Commissioners, and all Statutes which shall be framed by the Commissioners, and not objected to in manner aforesaid, and every Statute passed by the University or framed by the Commissioners under the Powers herein-before contained, for the Regulation of Hostels, or for altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment, or for repealing, altering, or adding to any of the existing Royal Statutes of the University, shall, as to Statutes made by the Commissioners, and liable to be objected to in manner aforesaid, after the Expiration of the Period within which the same may be objected to, and as to all other Statutes without any unnecessary Delay, be laid before Her Majesty in Council, and be forthwith published in the London Gazette; and it shall be lawful for every College, and for the Visitor thereof, and for the Trustees, Governors, and Patron of any University or College Emolument, and for the University, and for any other Person directly affected by such new Statutes, within One Month after the Publication as aforesaid in the London Gazette, to petition Her Majesty in Council praying Her Majesty to withhold Her Approbation of the whole or of any Part thereof; and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council,

Power to Colleges, &c. to petition Her Majesty against Approbation thereof, &c.

Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, who shall be named in such Order, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Statutes to be laid before Parliament.

XXXIX. All Statutes which shall be so published in the London Gazette as aforesaid shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within Three Weeks after the Commencement of the next ensuing Session of Parliament; and, unless an Address is within Forty Days presented by One or other of the said Houses, praying Her Majesty to withhold Her Consent from such Statutes, or any Parts thereof, or unless the Approbation of Her Majesty shall be withheld on such Petition as aforesaid, it shall be lawful for Her Majesty, by Order in Council, to declare Her Approbation of such Statutes respectively, or any Parts thereof to which such Address shall not relate or of which She shall not withhold Her Approbation on such Petition, and the same shall thereupon become Statutes of the University of Cambridge, or of the College therein to which the same respectively relate; and if any such Statutes, or any Part thereof, shall not be so approved by Her Majesty, it shall be lawful for Her Majesty to signify her Disapproval of such Statutes or such Part thereof by Order in Council, and then the Commissioners may thereupon proceed to frame other Statutes in that Behalf, subject to the same Conditions and Provisions as to the Approbation of Her Majesty in Council, and all other Conditions and Provisions, as are imposed by this Act in relation to the making of original Statutes by the Commissioners, and so on from Time to Time as often as Occasion shall require.

Repeal of University Statutes of Elizabeth.

XL. After the First Day of January One thousand eight hundred and sixty, the Statutes made by Queen Elizabeth in the Year of our Lord One thousand five hundred and seventy for the Government and Regulation of the University, or such and so much of them or of any of them as shall be then unrepealed by any Statute made under the Authority of this Act, shall be repealed, but not so as to revive any Statute of the University thereby repealed.

Interpretation of University Statutes.

XLI. If any Doubt shall arise with respect to the true Intent and Meaning of any of the new Statutes of the University framed and approved as aforesaid, or of any Statute which may hereafter be approved in the Manner herein-after mentioned for amending or altering the same, the Council may apply to the Chancellor of the University for the Time being, and it shall be lawful for him to

declare in Writing the Intent and Meaning of the Statute on the Matter submitted to him, and such Declaration shall be registered by the Registrary of the University, and the Intent and Meaning of the Statute as therein declared shall be deemed the true Intent and Meaning thereof.

Statutes subject to Repeal, &c.

XLII. Every Statute made in pursuance of the Provisions of this Act by the University, or by any College, or by the Commissioners, and likewise all Provisions herein-before contained respecting the Election, Constitution, Powers, and Proceedings of the Council of the Senate, or respecting Hostels, shall be subject to Repeal, Amendment, and Alteration from Time to Time by the University or College, as the Case may be, with the Approval of Her Majesty in Council.

Persons becoming Members not to possess vested Interests.

XLIII. No Person who, after the passing of this Act, shall become a Member of any College, or shall be elected or become eligible to any University or College Emolument, shall be deemed or taken to have acquired or to possess an existing Interest within the Meaning of this Act.

Not necessary to make Declaration or take an Oath on matriculating, nor on taking a Degree;

XLIV. From the First Day of Michaelmas Term One thousand eight hundred and fifty-six no Person shall be required, upon matriculating, or upon taking, or to enable him to take, any Degree in Arts, Law, Medicine, or Music, in the said University, to take any Oath or to make any Declaration or Subscription whatever; but such Degree shall not, until the Person obtaining the same shall, in such Manner as the University may from Time to Time prescribe, have subscribed a Declaration stating that he is bonâ fide a Member of the Church of England, constitute a Qualification for the holding of any Office, either in the University or elsewhere, which has been heretofore always held by a Member of the United Church of England and Ireland, and for which such Degree has heretofore constituted One of the Qualifications.

Clause D. nor on obtaining any Exhibition, Scholarship, or other College Emolument.

XLV. From and after the First Day of Michaelmas Term One thousand eight hundred and fifty-six, it shall not be necessary for any Person, on obtaining any Exhibition, Scholarship, or other College Emolument available for the Assistance of an Undergraduate Student in his Academical Education, to make or subscribe any Declaration, or to take any Oath, any Law or Statute to the contrary notwithstanding.

Stamp Duties abolished.

XLVI. The Stamp Duties now payable on Matriculations and Degrees shall be abolished so soon as Provision shall have been made by the University, to the Satisfaction of the Commissioners of Her Majesty's

Majesty's Treasury, in lieu of the Monies heretofore voted annually by Parliament.

Powers of University to continue in force, except as altered by this Act.

XLVII. Except in so far as they are expressly altered or taken away by the Provisions of this Act, the Powers and Privileges of the University and its Officers, and of the Colleges and their Officers, shall continue in full Force.

Interpretation of Terms.

XLVIII. In the Construction of this Act the Expression "University or College Emolument" shall include all Headships, Fellowships, Bye-Fellowships, Scholarships, Exhibitions, Bible Clerkships, Sizarships, Subsizarships, and every other such Place of Emolument payable out of the Revenues of the University or of any College, or to be held and enjoyed by the Members of any College as such within the University; and the Word "Professor" shall be taken to include the Three Royal Professors of Hebrew, Greek, and Divinity, and Public Readers or Lecturers in the University, except the Barnaby Lecturers; and the Governing Body of any College shall mean the Head and all actual Fellows thereof, Bye-Fellows excepted, being Graduates, and in Downing College shall mean the Head, Professors, and all actual Fellows thereof, Bye-Fellows excepted, being Graduates; and the Word "Statutes" shall be taken to include all Ordinances and Regulations of the University, and all Ordinances and Regulations contained in any Charter, Deed of Composition, or other Instrument of Foundation or Endowment of a College, and all Byelaws, Ordinances, and Regulations.

Clause A. Parts of Lands Clauses Act, 1845, incorporated herewith.

XLIX. The Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands required by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall be incorporated with and form Part of this Act, so far as relates to Land within the Town of Cambridge required for the Erection of any Buildings for the Extension of the Buildings of the said University, or of any College therein, and as if the Corporate Name of the University or College, as the Case may be, had been inserted therein instead of the Expression "the Promoters of the Undertaking."

Clause B. Powers given by Sections 27, 28, and 30. may be exercised, notwithstanding any Act, Decree, or Order.

L. The several Powers given by Sections Twenty-seven, Twenty-eight, and Thirty of this Act may be exercised, notwithstanding anything contained in any Act of Parliament, or Decree or Order constituting, either wholly or in part, an Instrument of Foundation or Endowment, or confirming or varying any Foundation or Endowment, or

or otherwise regulating any College or Hall, in respect of which any such Power may be exercised in like Manner as if such Acts of Parliament, Decrees, and Orders had been expressly mentioned in the said Sections.

CLAUSE C. Elections to Emoluments may be suspended.

LI. Where, upon an Application of the University as to any University Emolument, or upon the Application of any College as to any Emolument within such College, it may appear to the Commissioners that it would be advisable for the Purposes of this Act to suspend for a limited Period the Election to such Emolument (not being the Headship of a College or Hall), it shall be lawful for the Commissioners, by Instrument under their Common Seal, to authorize the University or such College, as the Case may be, to suspend such Election accordingly for such a Time as may appear to the Commissioners sufficient for the Purposes aforesaid.

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED]

To make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton.

(Prepared and brought in by Mr. Bouverie and Viscount Palmerston.)

Ordered, by The House of Commons, *to be Printed,* 20 *June* 1856.

[Bill 190.]

Under 3 oz.

LORDS AMENDMENTS

TO THE

CAMBRIDGE UNIVERSITY BILL.

Note.—*The Page and Line refer to the Bill as first printed by the Lords.* (186.)

Page 3.

Line 15. After ("October") insert ("and such List, together "with the following Persons, (that is to say,) all Officers of "the University being Members of the Senate, the Heads "of Houses, the Professors and the Public Examiners, shall "be the Electoral Roll of the University for the Purposes "of this Act")

Page 9.

Line 3. After ("Statutes") insert ("and also all Statutes "made by any College under the Powers of the Twenty-"seventh Section of this Act")

Page 10.

Lines 26 and 27. Leave out from ("Commissioners") to ("shall") in Line 32.

Line 44. After ("require") insert Clause A.

"CLAUSE A. The University may provide by Statute that "Members of the Senate may vote at any Election of a "Chancellor or High Steward of the University by Proxy, "such Proxy being a Member of the Senate autho-"rized by an Instrument in Writing signed by the Member "nominating such Proxy; but no Member shall be entitled "to vote as a Proxy unless the Instrument appointing "him has been transmitted to the Vice-Chancellor not less "than Forty-eight Hours before the Time appointed for "holding such Election of a Chancellor or High Steward, "as the Case may be, and such Instrument may be in the "Form contained in the Schedule to this Act annexed."

Page 16.

Line 26. After ("England") insert ("entitle him to be or to "become a Member of the Senate, or")

Line 36. After ("Declaration") insert ("of his Religious "Opinion or Belief")

At the End of the Bill add Schedule.

" SCHEDULE.

" A.B. a Member of the Senate, doth hereby appoint " C.D. a Member of the Senate, to be the Proxy of the said " A.B., in his Absence, and to vote in his Name, at the Election of " a Chancellor or High Steward, as the Case may be, for the Uni- " versity of Cambridge, on the Day of next, " in such Manner as he the said C.D. may think proper. In witness " whereof the said A.B. hath hereunto set his Hand, " the Day of .

(*Signature*) " A.B."

LORDS AMENDMENTS TO THE

CAMBRIDGE UNIVERSITY BILL.

Ordered, by The House of Commons, *to be Printed,* 9 *July* 1856.

[Bill 233.]

Under 1 *oz.*

7 *February* 1856. 19 Vict.

A

BILL

TO

Amend the Law relating to the Conveyance of Lands for Charitable Uses.

WHEREAS by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Second, and intituled "An Act to restrain the Disposition of Lands "whereby the same become unalienable," it was amongst other things enacted, that from and after the Twenty-fourth Day of June One thousand seven hundred and thirty-six no Manors, Lands, Tenements, Rents, Advowsons, or other Hereditaments, corporeal or incorporeal, whatsoever, should be given, granted, aliened, limited, released, transferred, assigned, or appointed, or anyways conveyed or settled, to or upon any Person or Persons, Bodies Politic or Corporate, or otherwise, for any Estate or Interest whatsoever, or anyways charged or incumbered by any Person or Persons whatsoever, in trust or for the Benefit of any Charitable Uses whatsoever, unless such Gift, Conveyance, Appointment, or Settlement of any such Lands, Tenements, or Hereditaments were and were made by Deed indented, sealed, and delivered in the Presence of Two or more credible Witnesses Twelve Calendar Months at least before the Death of such Donor or Grantor (including the Days of the Execution and Death), Preamble. 9 G. 2. c. 36.

and were enrolled in His Majesty's High Court of Chancery within Six Calendar Months next after the Execution thereof, and unless the same were made to take effect in possession for the Charitable Use intended immediately from the making thereof, and were without any Power of Revocation, Reservation, Trust, Condition, Limitation, Clause, or Agreement whatsoever for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him; but it was thereby provided, amongst other things, that nothing therein-before mentioned relating to the Sealing and Delivery of any Deed or Deeds Twelve Calendar Months at least before the Death of the Grantor should extend or be construed to extend to any Purchase of any Estate or Interest in Lands, Tenements, or Hereditaments to be made really and bonâ fide for a full and valuable Consideration actually paid at or before the making such Conveyance, without Fraud or Collusion; and it was thereby enacted, that all Gifts, Grants, Conveyances, Appointments, Assurances, Transfers, and Settlements whatsoever of any Lands, Tenements, or other Hereditaments, or of any Estate or Interest therein, or of any Charge or Incumbrance affecting or to affect any Lands, Tenements, or Hereditaments, to or in trust for any Charitable Uses whatsoever, which should at any Time after the said Twenty-fourth Day of June One thousand seven hundred and thirty-six be made in any other Manner or Form than by the said Act was directed and appointed, should be absolutely and to all Intents and Purposes null and void: And whereas by another Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, and intituled "An
9 G. 4. c. 85. "Act for remedying a Defect in the Titles of Lands pur-"chased for Charitable Purposes," it was enacted, that where any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, had been purchased for a full and valuable Consideration, in trust or for the Benefit of any Charitable Uses whatsoever, and such full and valuable Consideration had been actually paid for the same, every Deed or other Assurance then already made for the Purpose of conveying or assuring such Lands, Tenements, or Hereditaments, Estate or Interest as aforesaid, in trust or for the Benefit of such Charitable Uses, (if made to take effect in possession for the Charitable Use intended immediately from the making thereof, and without any Power of Revocation, Reservation, Trust, Condition, Limitation, Clause, or Agreement whatsoever for the Benefit of the Grantor, or of any Person or Persons claiming under him,) should be as good and valid and of the same Effect, both for establishing derivative Titles and in all other respects, as if the several Formalities by the said Act passed in the Ninth Year of the Reign of His late Majesty King George the Second prescribed had been duly observed and performed: Provided always, that nothing in

in the now-reciting Act contained should extend to give Effect to any Deed or other Assurance theretofore made, so far as the same had been already avoided by Suit at Law or in Equity, or by any other legal or equitable Means whatsoever, or to affect or prejudice any Suit at Law or in Equity then actually commenced for avoiding any such Deed or other Assurance, or for defeating the Charitable Uses in trust or for the Benefit of which such Deed or other Assurance might have been mnde; and provided also, that nothing in the now-reciting Act contained should be construed to dispense with any of the said several Formalities prescribed by the said Act passed in the Ninth Year of the Reign of King George the Second in relation to any Deed or other Assurance which should be made after the passing of the now-reciting Act: And whereas by reason of the Provisions contained in the first-recited Act Doubts have arisen whether it is possible to make any good or valid Assurance for Charitable Uses of any Hereditaments of Copyhold or Customary Tenure: And whereas it is expedient to make Provision for further remedying Defects and obviating Difficulties, and as to Enrolment in regard to Deeds and Assurances of Hereditaments conveyed for Charitable Uses in manner herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No past or future Deed, &c. for Charitable Uses upon valuable Consideration to be void if enrolled in Chancery.

I. No Deed or Assurance heretofore made, and under which Possession is now held for any Charitable Uses, and no Deed or Assurance hereafter to be made for any Charitable Uses whatsoever, of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, made respectively upon a full and valuable Consideration actually paid at or before the making or perfecting such Deed or Assurance, or reserved by way of Rent, Rentcharge, or other annual Payment, or partly paid at or before the making or perfecting such Deed or Assurance, and partly reserved as aforesaid, without Fraud or Collusion, shall be deemed to be null and void, within the Meaning of the first-recited Act, if such Deed or Assurance has been at any Time prior to the passing of this Act, or shall be within *Six* Calendar Months next after the passing of this Act, or within *Six* Calendar Months next after the making or perfecting such Deed or Assurance, enrolled in Her Majesty's High Court of Chancery.

No past Deed, &c. for Charitable Uses, not upon valuable Consi-

II. No Deed or Assurance heretofore made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, not upon such full and valuable Consideration as in the First Section of this Act is mentioned, and

deration, to be void by reason of Non-compliance with the Formalities in 9 G. 2. c. 36. or of specified Stipulations for the Donor's Benefit, or (as to Copyholds), for Want of Deed indented, if Deed, &c. be enrolled, &c.

under which Possession is now held for any Charitable Uses, shall be deemed to be null and void, within the Meaning of the first-recited Act, by reason of such Deed or Assurance not having been sealed and delivered in the Presence of Two or more credible Witnesses, or by reason of such Deed or Assurance not having been enrolled in Her Majesty's High Court of Chancery within *Six* Calendar Months next after the Execution thereof, or by reason of such Deed or Assurance, or any Deed forming Part of the same Transaction, containing any Grant or Reservation of any Peppercorn or other nominal Rent, Mines or Minerals, or Easement, or any Covenants or Provisions as to the Erection, Repair, Position, or Description of Buildings, the Formation or Repair of Streets or Roads, Drainage or Nuisances, or any Covenants or Provisions of the like Nature for the Use and Enjoyment as well of the Hereditaments comprised in such Deed or Assurance as of any other adjacent or neighbouring Hereditaments of the Donor or Grantor, or of any Person or Persons claiming under him, not comprised in such Deed or Assurance, or any Right of Entry on Nonpayment of any such Rent, or Breach of any such Covenant or Provision, or any Covenant indemnifying the Donor or Grantor against any prior Incumbrance, or any Stipulations of the like Nature, for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him, or, (in the Case of any such Assurance of Hereditaments of Copyhold or Customary Tenure, or of any Estate or Interest therein,) by reason of the same not having been made by Deed indented, if such Deed or Assurance has been at any Time prior to the passing of this Act, or shall be, within *Six* Calendar Months next after the passing of this Act, inrolled in Her Majesty's High Court of Chancery.

No future Deed, &c. for Charitable Uses not upon valuable Consideration to be void by reason of specified Stipulations for Donor's Benefit, or (as to Copyholds) for Want of Deed indented, if Deed, &c. be enrolled, &c.

III. No Deed or Assurance hereafter to be made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, not upon such full and valuable Consideration as in the First Section of this Act is mentioned, shall be deemed to be null and void, within the Meaning of the first-recited Act, by reason of such Deed or Assurance, or any Deed forming Part of the same Transaction, containing any such Grant, Reservation, Covenants, Provisions, Right of Entry, or Stipulations for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him, as in the Second Section of this Act is mentioned, or, (in the Case of any such Assurance of Hereditaments of Copyhold or Customary Tenure, or of any Estate or Interest therein,) by reason of the same not being made by Deed indented, if such Deed or Assurance shall within *Six* Calendar Months next after the making or perfecting such Deed or Assurance be enrolled in Her Majesty's High Court of Chancery.

IV. In

IV. In all Cases where the Charitable Uses of any Deed or Assurance heretofore made for Conveyance of any Hereditaments for any Charitable Uses, and not enrolled in Her Majesty's High Court of Chancery prior to the passing of this Act, and under which Possession is now held for any Charitable Uses, have been declared by any other Deed or Instrument, it shall be deemed sufficient for all Intents and Purposes whatsoever if such Deed or Instrument declaring the Charitable Uses has prior to the passing of this Act been so enrolled as last aforesaid; but if neither such Deed or Assurance, nor the Deed or Instrument declaring the Uses thereof, has been so enrolled as last aforesaid, then it shall not be necessary to enrol such Deed or Assurance, but every such Deed or Assurance shall be absolutely and to all Intents and Purposes null and void, unless the Deed or Instrument declaring the Charitable Uses thereof shall within *Six* Calendar Months next after the passing of this Act be enrolled in Her Majesty's High Court of Chancery.

Where Charitable Uses of any past Deed, &c. not enrolled are declared by any other Deed, &c., Enrolment of such other Deed, &c. sufficient. Where neither is enrolled, Enrolment of such other Deed, &c. requisite.

V. In all Cases where the Charitable Uses of any Deed or Assurance hereafter to be made for Conveyance of any Hereditaments for Charitable Uses shall be declared by any other Deed or Instrument, it shall not be necessary under the first-recited Act or this Act to enrol such Deed or Assurance, but every such Deed or Assurance shall be absolutely and to all Intents and Purposes null and void, unless the Deed or Instrument declaring the Charitable Uses thereof shall within *Six* Calendar Months next after the making or perfecting of such Deed or Assurance conveying the Property to such Charitable Uses be enrolled in Her Majesty's High Court of Chancery.

Where Charitable Uses of any future Deed, &c. declared by any other Deed, &c., Enrolment of such other Deed, &c. requisite.

VI. Nothing in this Act contained shall extend to give Effect to any Deed or Assurance heretofore made, so far as such Deed or Assurance has already been avoided by any Suit at Law or in Equity, or by any other legal or equitable Means whatsoever, or to affect or prejudice any Suit at Law or in Equity actually commenced for avoiding any such Deed or Assurance, or for defeating the Charitable Uses in trust or for the Benefit of which such Deed or Assurance has been made.

Act not to extend to Deeds, &c. already avoided, or to pending Suits.

VII. And whereas an Act was passed in the Fourteenth Year of the Reign of Her present Majesty, and intituled "An Act to render more "simple and effectual the Titles by which Congregations or Societies "for Purposes of Religious Worship or Education in England and "Ireland hold Property for such Purposes," and it is expedient to extend some of the Benefits of such Act to the Case of all Property held for any Charitable Uses whatsoever: Be it enacted, That whenever any Hereditaments of any Tenure whatsoever, or any Estate or Interest therein,

Hereditaments conveyed to Trustees for Charitable Uses to vest in Successors of original Trustees duly appointed. 13 & 14 Vict. c. 27.

therein, have or has been or hereafter shall be conveyed or assured for any Charitable Uses whatsoever, to or in favour of any Trustees or Trustee for such Charitable Uses, the original Deed or Assurance shall vest the Hereditaments, Estate, or Interest thereby conveyed or assured, not only in the original Trustees or Trustee, but also in their or his Successors in Office for the Time being duly appointed, and the Deed, Document, or Order of Court by which such Successors in Office shall be appointed may be given and shall be received in Evidence in all Courts and Proceedings, and shall be Evidence of the Truth of the several Matters and Things therein stated: Provided always, that where such Hereditaments shall be of Copyhold or Customary Tenure, and liable to the Payment of any Fine, with or without a Heriot, on the Death or Alienation of the Tenant or Tenants thereof, it shall be lawful for the Lord or Lady of the Manor of which such Hereditaments shall be holden, on the next Appointment of a new Trustee or Trustees thereof, and at the Expiration of every Period of *Forty* Years, so long as such Hereditaments or any Estate or Interest therein shall be devoted to Charitable Uses, to receive and take a Sum corresponding to the Fine and Heriot (if any) which would have been payable by Law upon the Death or Alienation of the Tenant or Tenants thereof; and such Payments shall be in full of all Fines and Heriots (if any) payable to the Lord or Lady of the Manor of which such Hereditaments are holden, while the same shall be devoted to Charitable Uses; and the Lord or Lady of such Manor shall have all such Powers for the Recovery of the Sums hereby made payable as such Lord or Lady could have had in the event of the Tenant or Tenants of such Hereditaments having died, or having alienated the same, in reference to the Fines and Heriots (if any) heretofore payable: Provided also, that nothing in this Act contained shall be construed to extend any of the Provisions of the last herein-before recited Act to any Case whatsoever, further or otherwise than is by this Act expressly provided.

Providing for Payments in lieu of Fines as to Copyholds.

A

BILL

To amend the Law relating to the Conveyance of Lands for Charitable Uses.

(Prepared and brought in by Mr. Atherton and Mr. George Butt).

Ordered, by The House of Commons, *to be Printed,* 7 *February* 1856.

[Bill 22.]

Under 1 *oz.*

18 *February* 1856. 19 Vict.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to the Conveyance of Lands for Charitable Uses.

WHEREAS by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Second, and intituled "An Act to restrain the Disposition of Lands "whereby the same become unalienable," it was amongst other things enacted, that no Lands or other Hereditaments should be anyways conveyed or settled for Charitable Uses, unless such Conveyance or Settlement were made by Deed indented and enrolled and otherwise in the Manner or Form by the said Act directed or appointed: And whereas by another Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, and intituled "An Act for "remedying a Defect in the Titles of Lands purchased for Charitable "Purposes," it was enacted, that where any Lands, Tenements, or Hereditaments had been purchased for a full and valuable Consideration for Charitable Uses, and such Consideration had been actually paid, every Deed or other Assurance then already made for the Purpose of conveying or assuring the same should (subject as in the now reciting Act mentioned) be as good and valid in all respects as if the several Formalities by the said first-recited Act prescribed had been

Preamble.

9 G. 2. c. 36.

9 G. 4. c. 85.

been duly observed and performed: And whereas by reason of the Provisions contained in the first-recited Act Doubts have arisen whether it is possible to make any good or valid Assurance for Charitable Uses of any Hereditaments of Copyhold or Customary Tenure: And whereas it is expedient to make Provision for further remedying Defects and obviating Difficulties, and as to Enrolment in regard to Deeds and Assurances of Hereditaments conveyed for Charitable Uses in manner herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No past or future Deed, &c. for Charitable Uses upon valuable Consideration to be void if enrolled in Chancery.

I. No Deed or Assurance heretofore made, and under which Possession is now held for any Charitable Uses, and no Deed or Assurance hereafter to be made for any Charitable Uses whatsoever, of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, made respectively upon a full and valuable Consideration actually paid at or before the making or perfecting such Deed or Assurance, or reserved by way of Rent, Rentcharge, or other annual Payment, or partly paid at or before the making or perfecting such Deed or Assurance, and partly reserved as aforesaid, without Fraud or Collusion, shall be deemed to be null and void, within the Meaning of the first-recited Act, if such Deed or Assurance has been at any Time prior to the passing of this Act, or shall be within Six Calendar Months next after the passing of this Act, or within Six Calendar Months next after the making or perfecting such Deed or Assurance, enrolled in Her Majesty's High Court of Chancery.

No past Deed, &c. for Charitable Uses, not upon valuable Consideration, to be void by reason of Non-compliance with the Formalities in 9 G. 2. c. 36. or of specified Stipulations for the Donor's Benefit, or (as to Copyholds), for Want of Deed indented, if Deed, &c. be enrolled, &c.

II. No Deed or Assurance heretofore made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, not upon such full and valuable Consideration as in the First Section of this Act is mentioned, and under which Possession is now held for any Charitable Uses, shall be deemed to be null and void, within the Meaning of the first-recited Act, by reason of such Deed or Assurance not having been sealed and delivered in the Presence of Two or more credible Witnesses, or by reason of such Deed or Assurance not having been enrolled in Her Majesty's High Court of Chancery within Six Calendar Months next after the Execution thereof, or by reason of such Deed or Assurance, or any Deed forming Part of the same Transaction, containing any Grant or Reservation of any Peppercorn or other nominal Rent, Mines or Minerals, or Easement, or any Covenants or Provisions as to the Erection, Repair, Position, or Description of Buildings, the Formation or Repair of Streets or Roads, Drainage or Nuisances, or any Covenants or Provisions of the like Nature for the Use and Enjoyment

Enjoyment as well of the Hereditaments comprised in such Deed or Assurance as of any other adjacent or neighbouring Hereditaments of the Donor or Grantor, or of any Person or Persons claiming under him, not comprised in such Deed or Assurance, or any Right of Entry on Nonpayment of any such Rent, or Breach of any such Covenant or Provision, or any Covenant indemnifying the Donor or Grantor against any prior Incumbrance, or any Stipulations of the like Nature, for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him, or, (in the Case of any such Assurance of Hereditaments of Copyhold or Customary Tenure, or of any Estate or Interest therein,) by reason of the same not having been made by Deed indented, if such Deed or Assurance has been at any Time prior to the passing of this Act, or shall be, within Six Calendar Months next after the passing of this Act, inrolled in Her Majesty's High Court of Chancery.

No future Deed, &c. for Charitable Uses not upon valuable Consideration to be void by reason of specified Stipulations for Donor's Benefit, or (as to Copyholds) for Want of Deed indented, if Deed, &c. be enrolled, &c.

III. No Deed or Assurance hereafter to be made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, not upon such full and valuable Consideration as in the First Section of this Act is mentioned, shall be deemed to be null and void, within the Meaning of the first-recited Act, by reason of such Deed or Assurance, or any Deed forming Part of the same Transaction, containing any such Grant, Reservation, Covenants, Provisions, Right of Entry, or Stipulations for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him, as in the Second Section of this Act is mentioned, or, (in the Case of any such Assurance of Hereditaments of Copyhold or Customary Tenure, or of any Estate or Interest therein,) by reason of the same not being made by Deed indented, if such Deed or Assurance shall within Six Calendar Months next after the making or perfecting such Deed or Assurance be enrolled in Her Majesty's High Court of Chancery.

Where Charitable Uses of any past Deed, &c. not enrolled are declared by any other Deed, &c., Enrolment of such other Deed, &c. sufficient. Where neither is enrolled, Enrolment of such other Deed, &c. requisite.

IV. In all Cases where the Charitable Uses of any Deed or Assurance heretofore made for Conveyance of any Hereditaments for any Charitable Uses, and under which Possession is now held for such Uses, have been declared by any other Deed or Instrument, and such Deed or Assurance for Conveyance has not been enrolled in Her Majesty's High Court of Chancery prior to the passing of this Act, but such other Deed or Instrument has been so enrolled, such Enrolment shall be deemed and treated for all Purposes of the first-recited Act and of this Act as if such Deed or Assurance for Conveyance had declared such Charitable Uses, and had been so enrolled as last aforesaid; but if neither of such Deeds nor Instrument has been so enrolled, then it shall not be necessary for the Purposes of the first-recited Act or of this Act to enrol such Deed or Assurance for

Conveyance, but every such Deed or Assurance for Conveyance shall be absolutely and to all Intents and Purposes null and void, unless such Deed or Instrument shall within Six Calendar Months next after the passing of this Act be so enrolled, and such Enrolment as last aforesaid shall be deemed and treated for all Purposes of the first-recited Act and of this Act as if such Deed or Assurance for Conveyance had declared such Charitable Uses, and had been so enrolled as last aforesaid.

Where Charitable Uses of any future Deed, &c. declared by any other Deed, &c., Enrolment of such other Deed, &c. requisite.

V. In all Cases where the Charitable Uses of any Deed or Assurance hereafter to be made for Conveyance of any Hereditaments for any Charitable Uses shall be declared by any other Deed or Instrument, it shall not be necessary for the Purposes of the first-recited Act or of this Act to enrol such Deed or Assurance for Conveyance, but every such Deed or Assurance for Conveyance shall be absolutely and to all Intents and Purposes null and void, unless such other Deed or Instrument shall within Six Calendar Months next after the making or perfecting of such Deed or Assurance for Conveyance be enrolled in Her Majesty's High Court of Chancery, and such Enrolment as last aforesaid shall be deemed and treated for all Purposes of the first-recited Act and of this Act as if such Deed or Assurance for Conveyance had declared such Charitable Uses, and had been so enrolled as last aforesaid.

Act not to extend to Deeds, &c. already avoided, or to pending Suits.

VI. Nothing in this Act contained shall extend to give Effect to any Deed or Assurance heretofore made, so far as such Deed or Assurance has already been avoided by any Suit at Law or in Equity, or by any other legal or equitable Means whatsoever, or to affect or prejudice any Suit at Law or in Equity actually commenced for avoiding any such Deed or Assurance, or for defeating the Charitable Uses in trust or for the Benefit of which such Deed or Assurance has been made.

Hereditaments conveyed to Trustees for Charitable Uses to vest in Successors of original Trustees duly appointed. 13 & 14 Vict. c. 28.

VII. And whereas an Act was passed in the Fourteenth Year of the Reign of Her present Majesty, and intituled "An Act to render more "simple and effectual the Titles by which Congregations or Societies "for Purposes of Religious Worship or Education in England and "Ireland hold Property for such Purposes," and it is expedient to extend some of the Benefits of such Act to the Case of all Property held for any Charitable Uses whatsoever: Be it enacted, That whenever any Hereditaments of any Tenure whatsoever, or any Estate or Interest therein, have or has been or hereafter shall be conveyed or assured for any Charitable Uses whatsoever, to or in favour of any Trustees or Trustee for such Charitable Uses, the original Deed or Assurance shall vest the Hereditaments, Estate, or Interest thereby conveyed or assured, not

not only in the original Trustees or Trustee, but also in their or his Successors in Office for the Time being duly appointed, and the Deed, Document, or Order of Court by which such Successors in Office shall be appointed may be given and shall be received in Evidence in all Courts and Proceedings, and shall be Evidence of the Truth of the several Matters and Things therein stated: Provided always, that where such Hereditaments shall be of Copyhold or Customary Tenure, and liable to the Payment of any Fine, with or without a Heriot, on the Death or Alienation of the Tenant or Tenants thereof, it shall be lawful for the Lord or Lady of the Manor of which such Hereditaments shall be holden, on the next Appointment of a new Trustee or Trustees thereof, and at the Expiration of every Period of Forty Years, so long as such Hereditaments or any Estate or Interest therein shall be devoted to Charitable Uses, to receive and take a Sum corresponding to the Fine and Heriot (if any) which would have been payable by Law upon the Death or Alienation of the Tenant or Tenants thereof; and such Payments shall be in full of all Fines and Heriots (if any) payable to the Lord or Lady of the Manor of which such Hereditaments are holden, while the same shall be devoted to Charitable Uses; and the Lord or Lady of such Manor shall have all such Powers for the Recovery of the Sums hereby made payable as such Lord or Lady could have had in the event of the Tenant or Tenants of such Hereditaments having died, or having alienated the same, in reference to the Fines and Heriots (if any) heretofore payable: Provided also, that nothing in this Act contained shall be construed to extend any of the Provisions of the last herein-before recited Act to any Case whatsoever, further or otherwise than is by this Act expressly provided.

Providing for Payments in lieu of Fines as to Copyholds.

VIII. Nothing in this Act contained shall extend or be construed to extend to the Disposition, Grant, or Settlement of any Property or Estate lying or being in Scotland or Ireland.

Act not to extend to Scotland or Ireland.

Charitable Uses.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law relating to the Conveyance of Lands for Charitable Uses.

(*Prepared and brought in by Mr. Atherton and Mr. George Butt.*)

Ordered, by The House of Commons, *to be Printed,* 18 *February* 1856.

[Bill 39.]

Under 1 *oz.*

14 *July* 1856. 19 & 20 Vict.

A

BILL

INTITULED

An Act to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.

WHEREAS by the Charitable Trusts Act, 1853, it was provided, that such Act should not for the Period of Two Years from the passing thereof extend or be in any Manner applied to Charities or Institutions the Funds or Income of which were applicable exclusively for the Benefit of Persons of the Roman Catholic Persuasion, and which were under the Superintendence or Control of Persons of that Persuasion: And whereas by the Charitable Trusts Amendment Act, 1855, such Charities or Institutions as aforesaid were exempted in like Manner from the Operation of the said Amendment Act, and the Exemption so extended was continued until the First Day of September One thousand eight hundred and fifty-six: And whereas it is expedient that such Exemption should be continued as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 16 & 17 Vict. c. 137. s. 62. and 18 & 19 Vict. c. 124. s. 47.

Exemption continued until 1st September 1857.

I. The said Acts shall not, until the First Day of September One thousand eight hundred and fifty-seven, extend or be in any Manner applied to the Charities or Institutions aforesaid.

Charities.

A

BILL

INTITULED

An Act to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.

(*Brought from the Lords* 14 *July* 1856.)

Ordered, by The House of Commons, *to be Printed*, 14 *July* 1856.

[Bill 250.]

Under 1 *oz.*

19 *June* 1856. 19 Vict.

A

BILL

FOR

Transferring the Powers of the Church Building Commissioners to the Ecclesiastical Commissioners for England.

WHEREAS by the Act of the Fifty-eighth Year of King George the Third, Chapter Forty-five, it was enacted, that it should be lawful for His Majesty by Letters Patent to appoint such Persons as His Majesty should deem fit to be his Commissioners for carrying into execution the Purposes of the said Act, and that the said Commission should continue in force for the Term of Ten Years from the Date thereof, unless His Majesty should think fit sooner to alter or revoke the same: And whereas the said Commission has been continued from Time to Time, and now stands continued until the Twentieth Day of July One thousand eight hundred and fifty-six, unless Her Majesty should think fit sooner to revoke the same; and under the Act of the Session holden in the Seventh Year of King William the Fourth and the First Year of Her Majesty, Chapter Seventy-five, the said Commissioners are styled "Her Majesty's Commissioners for building new Churches:" And whereas it is expedient that the said Commission should be continued for a Time herein-after limited, and that thenceforth the Powers of the said Commission should be vested in the Ecclesiastical Commis- Preamble.

Commissioners for England: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Church Building Commissioners continued to 1st Jan. 1857, and thenceforth their Powers, &c. transferred to the Ecclesiastical Commissioners for England.

I. The Persons now or hereafter to be appointed to be Her Majesty's Commissioners for building new Churches shall continue to be such Commissioners, and their Commission shall continue in force, *until the First Day of January One thousand eight hundred and fifty-seven*, and no longer, and immediately on the Determination of such Commission all the Duties, Powers, and Authorities vested in or which should or might have been performed or executed by such Commissioners shall become vested in and shall be performed and executed by the Ecclesiastical Commissioners for England; and all Lands, Hereditaments, Monies, Securities for Money, Property, and Effects whatsoever, vested in or held in trust for the said Commissioners for building new Churches shall be vested in or (as the Case may require) be held in trust for the Ecclesiastical Commissioners for England, and all Monies due and payable or which would have become due and payable to the said Commissioners for building new Churches shall become due and payable and be raised and recovered by and paid to such Ecclesiastical Commissioners; and the Provisions of any Act of Parliament and any legal Instrument in which Her Majesty's Commissioners for building new Churches are mentioned or referred shall, upon the Determination of their Commission, become applicable to the said Ecclesiastical Commissioners.

Compensation to Officers of Church Building Commissioners not continued in Office by Ecclesiastical Commissioners.

II. *It shall be lawful for the Commissioners of Her Majesty's Treasury to grant to such of the Persons in the Establishment of the said Commissioners for building new Churches as may not be continued or employed by the said Ecclesiastical Commissioners such Compensation as, having regard to the Nature of their Appointments and the Length of their Service, the said Commissioners of the Treasury may think fit, and to cause the same to be paid from Time to Time out of the Monies made applicable by Section Eleven of the said Act of the Fifty-eighth Year of King George the Third for Payment of Expenses incurred in the Execution of that Act: Provided always, that every Person to whom any such Compensation is granted shall be subject in respect thereof to the Provisions contained in Sections Nineteen and Twenty of the Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four.*

Church Building Commission.

A

BILL

For transferring the Powers of the Church Building Commissioners to the Ecclesiastical Commissioners for England.

(*Prepared and brought in by Sir George Grey and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed,* 19 *June* 1856.

[Bill 185.]

Under 1 *oz.*

30 *June* 1856. 19 & 20 Vict.

A

BILL

[AS AMENDED IN COMMITTEE]

FOR

Transferring the Powers of the Church Building Commissioners to the Ecclesiastical Commissioners for England.

WHEREAS by the Act of the Fifty-eighth Year of King George the Third, Chapter Forty-five, it was enacted, that it should be lawful for His Majesty by Letters Patent to appoint such Persons as His Majesty should deem fit to be His Commissioners for carrying into execution the Purposes of the said Act, and that the said Commission should continue in force for the Term of Ten Years from the Date thereof, unless His Majesty should think fit sooner to alter or revoke the same: And whereas the said Commission has been continued from Time to Time, and now stands continued until the Twentieth Day of July One thousand eight hundred and fifty-six, unless Her Majesty should think fit sooner to revoke the same; and under the Act of the Session holden in the Seventh Year of King William the Fourth and the First Year of Her Majesty, Chapter Seventy-five, the said Commissioners are styled "Her Majesty's Commissioners for building new Churches:" And whereas it is expedient that the said Commission should be continued for a Time herein-after limited, and that thenceforth the Powers of the said Commission should be vested in the Ecclesiastical Commis- Preamble.

Commissioners for England: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Church Building Commissioners continued to 1st Jan. 1857, and thenceforth their Powers, &c. transferred to the Ecclesiastical Commissioners for England.

I. The Persons now or hereafter to be appointed to be Her Majesty's Commissioners for building new Churches shall continue to be such Commissioners, and their Commission shall continue in force, until the First Day of January One thousand eight hundred and fifty-seven, and no longer, and immediately on the Determination of such Commission all the Duties, Powers, and Authorities vested in or which should or might have been performed or executed by such Commissioners shall become vested in and shall be performed and executed by the Ecclesiastical Commissioners for England; and all Lands, Hereditaments, Monies, Securities for Money, Property, and Effects whatsoever vested in or held in trust for the said Commissioners for building new Churches shall be vested in or (as the Case may require) be held in trust for the Ecclesiastical Commissioners for England, and all Monies due and payable or which would have become due and payable to the said Commissioners for building new Churches shall become due and payable and be raised and recovered by and paid to such Ecclesiastical Commissioners; and the Provisions of any Act of Parliament and any legal Instrument in which Her Majesty's Commissioners for building new Churches are mentioned or referred shall, upon the Determination of their Commission, become applicable to the said Ecclesiastical Commissioners, except as herein-after provided.

Repeal of Section 11 of 58 Geo. 3. c. 45. Compensation to Officers of Church Building Commissioners not continued in Office by Ecclesiastical Commissioners.

II. Section Eleven of the said Act of the Fifty-eighth Year of King George the Third shall from and after the said Determination of the said Commission be repealed; and it shall be lawful for the Commissioners of Her Majesty's Treasury to grant to such of the Persons in the Establishment of the said Commissioners for building new Churches as may not be continued or employed by the said Ecclesiastical Commissioners such Compensation as, having regard to the Nature of their Appointments and the Length of their Service, the said Commissioners of the Treasury may think fit: Provided, that every Person to whom any such Compensation is granted shall be subject in respect thereof to the Provisions contained in Sections Nineteen and Twenty of the Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four; and the Compensations granted as aforesaid, and all such Charges and Expenses as might have been payable under the said Section Eleven of the said Act of the Fifty-eighth Year of King George the Third, if the same had not been repealed, shall respectively be paid from Time to Time out of such Monies as shall be provided by Parliament for the Purpose.

Church Building Commission.

A

BILL

[AS AMENDED IN COMMITTE]

For transferring the Powers of the Church Building Commissioners to the Ecclesiastical Commissioners for England.

(Prepared and brought in by Sir George Grey and Viscount Palmerston.)

Ordered, by The House of Commons, *to be Printed*, 30 *June* 1856.

[Bill 212.]

Under 1 *oz.*

5 *February* 1856. 19 Vict.

A

BILL

TO

Abolish Church Rates for other than the Purposes therein mentioned, to make Provision for the Maintenance of the Fabric and necessary Fittings of Parish Churches in certain Cases, and to enable Persons to redeem their Liability to Church Rates, and otherwise to amend the Law respecting the making, assessing, and collecting Church Rates in England and Wales.

Preamble.

WHEREAS it is expedient to abolish Church Rates made for the Support of the Services of the Church, and also to make better Provision for the Maintenance of the Fabric and Fittings of Parish Churches in certain Cases: And whereas it is also expedient to enable Persons to contract for the Redemption of their Liability to Church Rates, and otherwise to amend and alter the Law respecting the making, assessing, collecting, and Liability to Church Rates: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Purposes for which Rates may be made.

I. No Church Rate shall be valid unless made for One or more of the following Purposes (that is to say),—

1. The Maintenance and Repair of the Fabric of the Church.
2. The Supply and Renewal of the necessary Fittings of the Church.

Archdeacon may notify to Churchwardens that Repairs are necessary.

II. In case the Archdeacon of the Archdeaconry in which any Parish is situated shall notify to the Churchwardens for the Time being of the said Parish that the "Fabric of the Parish Church" is in need of Repair, or that the "necessary Fittings" of the same are deficient or in need of Renewal, and the said Churchwardens shall neglect or refuse to call a Vestry for the Purpose of making a Rate to meet the Expense of such Repair or Renewal, or of supplying such Deficiency, as the Case may be, within *Two* Months after such Notice shall have been given as aforesaid, or the said Vestry shall neglect or refuse to make an adequate Rate for such Purposes as are mentioned in the Notice of the said Archdeacon, and within such Period as aforesaid, the Court of Queen's Bench shall and may, on the Application of the Incumbent for the Time being, or of any Ratepayer of the said Parish, issue a Mandamus to the Churchwardens for the Time being of the said Parish to call a Vestry for such Purposes as aforesaid, or to levy and collect such a Rate as the said Archdeacon shall deem sufficient, according as the Circumstances of the Case shall, in the Judgment of the said Court, seem to demand; and every such Rate so ordered by the said Court to be levied shall be a good and valid Rate to all Intents and Purposes, and shall be recoverable in the same Manner as if it had been duly made by the Ratepayers in Vestry assembled.

Mandamus may issue to compel Levy of Church Rate for such Repairs.

Church Rates to be assessed and levied in the same Manner as Poor Rates.

III. Every Church Rate, whether ordered to be levied under or by virtue of this Act, or made by the Ratepayers in Vestry assembled, shall be assessed upon the same Principle as obtains in respect of the Assessment of Poor Rates; and all Sums payable in respect of any such Assessment shall be recovered by the Person or Persons legally entitled to levy and collect the same by and in the same Process and Manner as if such Sums so payable were due in respect of Poor Rates.

Ratepayers may appeal to Court of Quarter Sessions against the Assessment of any Rate ordered to be levied by Mandamus, or against the Validity and Assessment of any Rate made by Vestry.

IV. In case any Person liable to contribute towards any Church Rate, whether ordered to be levied under or by virtue of this Act, or made by the Ratepayers in Vestry assembled, shall object to the Assessment of any Rate so ordered to be levied as aforesaid, or to the Validity or Assessment of any Rate made by such Ratepayers as aforesaid, he may appeal at the Expiration of *Ten* Days after the making of such Rate to the Court of Quarter Sessions, not less than *Eight* Days Notice of such Appeal having been given to the Clerk of the Peace of such Quarter Sessions, and the like Notice to the Churchwardens for the Time being, and the Adjudication of such Court shall be final on all Questions touching such Assessment and Validity as aforesaid: Provided always, that nothing herein-before contained shall enable the said Court of Quarter Sessions to decide upon

upon the Validity of any Church Rate ordered to be levied by the Court of Queen's Bench under the Provisions of this Act.

Occupier may deduct Church Rate from his Rent.

V. The Occupier of any Lands, Tenements, or Hereditaments, being Tenant of the same, and paying any Church Rate whatever, shall deduct the same from the Rent payable to the Landlord for the Time being, such Deduction to be made out of the First Payment thereafter to be made on account of Rent, but nothing herein contained shall relieve any such Occupier from the Payment of any Church Rate to which he would be liable in case the above Provision for the Deduction of the same had not been inserted in this Act: Provided always, that in the Case of any Tenancy existing at the Date of this Act any Sum to be so deducted from the Rent as aforesaid shall be recoverable by the Landlord from the Tenant so deducting the same in and by the like Manner and Process, and with the like Powers of Distress and Re-entry, as the same would be recoverable if it were Arrear of Rent which had become due and owing to the said Landlord on the Day on which the Rent was reserved from which such Deduction has been made as aforesaid.

In the Case of existing Tenancies, the Landlord may add to his Rent as much as the Tenant deducts for Church Rates.

The Owner having an Estate of Freehold may contract for Redemption of his Lands from Church Rates.

VI. It shall be lawful for the Churchwardens and Incumbent for the Time being of any Parish to contract and agree with the Person or Persons entitled to the First Estate of Freehold in any Lands, Tenements, and Hereditaments situated in the said Parish for the Redemption of the Liability of all Occupiers of the same to the Payment of Church Rates, upon the Terms and Conditions and in the Manner herein-after described and mentioned.

Where Church Rates have been levied annually for Ten Years, the Redemption Money to be Twenty Years Purchase of Average of Ten Years.

VII. Every such Contract and Agreement made and entered into by virtue of this Act shall be in the Form mentioned and described in the Schedule to this Act annexed, and the Consideration therein to be inserted and contracted to be given shall, in all Parishes in which an annual Church Rate shall have been made during *Ten* Years preceding the Year of our Lord in which the said Contract shall be entered into, be the total Amount of Church Rate which the Occupier or Occupiers of the said Lands, Tenements, and Hereditaments so intended to be redeemed would be liable to pay in respect of the Property in question during a Period of *Twenty* Years in case the assessed Value of the said Property remained unaltered during such Period and an annual Church Rate were duly made equal to the average annual Church Rate actually made in the said Parish during such Period of *Ten* Years as aforesaid; but in all Parishes in which no such annual Church Rate shall have been made, then such Consideration shall be the total Amount of Church Rate which such Occupier or Occupiers would be liable to pay during a Period of *Twenty* Years in case the assessed Value of the said Property

Where no annual Church Rate shall have been made, then Twenty Years Pur-

chase of Rate, varying with the Number of Sittings in Parish Church.

perty remained the same during such Period and an annual Church Rate were duly made amounting to *Twenty* Pounds where the Number of the Sittings in the Church is under Three hundred, *Thirty* Pounds where the Number of the Sittings in the Church is Three hundred or under Five hundred, *Forty* Pounds where the Number of the Sittings in the Church is Five hundred or under One thousand, *Fifty* Pounds where the Number of the Sittings in the Church is One thousand or under One thousand five hundred, *Sixty* Pounds where the Number of the Sittings in the Church is One thousand five hundred or under Two thousand, *Seventy* Pounds where the Number of the Sittings in the Church is Two thousand or upwards; and in such Case the Certificate of the Incumbent and Churchwardens for the Time being as to the Number of Sittings in the said Parish Church shall be conclusive.

Redemption Monies to be paid to the Incorporated Society for building and repairing Churches.

VIII. The Consideration Money mentioned in any such Contract as aforesaid shall be paid to the Treasurer for the Time being of the Incorporated Society for promoting the Enlargement, building and repairing of Churches and Chapels, incorporated by an Act passed in the Ninth Year of His late Majesty George the Fourth.

Lands to be for ever free from Church Rates on Payment of Redemption Money.

IX. Upon Production of the said Contract at the Office of the said Society, and the Payment of the said Consideration Money as aforesaid, the Person so entering into such Contract shall receive a Certificate or Receipt from the Treasurer of the said Society, to be endorsed on the said Contract or separate therefrom, and thenceforth the Lands comprised and described in such Contract shall be for ever exonerated and freed from the Payment of Church Rates.

All Monies paid to Society to be invested in Public Funds.

X. All Money which shall be paid to the Treasurer of the said Society under or by virtue of this Act shall be invested by the said Society in the Public Funds in the Name of the said Society.

Annual Income and Accumulations of Redemption Monies to be paid to Churchwardens and Incumbent of Parish in which redeemed Lands are situated.

XI. The said Society shall stand possessed of and interested in the said Funds so to be purchased with such Consideration Money as aforesaid, upon trust to pay the Dividends and annual Produce thereof, and all Accumulations thereof, to the Churchwardens and Incumbent for the Time being of the Parish in which the Lands comprised in the said Contract of Redemption are situated, upon their joint Demand in Writing.

Income to be accumulated in the meanwhile.

XII. Subject to such Demand as aforesaid, and until such Demand as aforesaid is made, the said Society shall accumulate the Dividends and annual Produce of the said Funds so to be purchased, half-yearly, and invest such Accumulations in the Public Funds in the Name of the said Society.

XIII. In

Interpretation Clause.

XIII. In the Construction of this Act, the Expression "Fabric of the Church" shall be deemed to include the Wall or Fence enclosing the Churchyard; and the Expression "necessary Fittings" shall be deemed to include only Pews, Seats, Reading Desk, Pulpits, Bells, and Bell Ropes.

This Act not to alter Liability of Rector to repair Chancel.

XIV. Nothing in this Act contained shall alter the Liability of any Rector or Lay Owner of Great Tithes of a Church to repair the Chancel of such Church which the Law now imposes on him, or shall enable a Church Rate to be made in respect of any Church in respect of which the same could not be made before the passing of this Act.

SCHEDULE.

Form of Certificate of Contract.

KNOW all Men, that we, *A.B.* [Rector, Vicar, *or* Perpetual Curate] of the Parish of in the County of , *C.D.* , and *E.F.* , Churchwardens of the said Parish, do hereby certify that we have contracted and agreed with *G.H.* of ; for the Redemption by him of all future Church Rates chargeable upon [*Description of Property*].

The Consideration of Redemption is declared to be £ .

In witness, *&c.*

Church Rates.

A

BILL

To abolish Church Rates for other than the Purposes therein mentioned, to make Provision for the Maintenance of the Fabric and necessary Fittings of Parish Churches in certain Cases, and to enable Persons to redeem their Liability to Church Rates, and otherwise to amend the Law respecting the making, assessing, and collecting Church Rates in England and Wales.

(*Prepared and brought in by Mr. Packe and the Marquis of Blandford.*)

Ordered, *by* The House of Commons, *to be Printed*, *5 February* 1856.

[Bill 21.]

Under 1 *oz.*

Church Rates Abolition Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites the Expediency of abolishing the Power to make Church Rates.

Church Rates to be abolished; Sect. 1.

Proviso as to Sums borrowed and Salaries charged upon Church Rates by Statute; 2.

Churchwardens may receive voluntary Contributions for the Purposes of the Parochial Church; 3.

No Disbursement without Approval of Auditors; 4.

Election of Auditors; 5.

Qualification of Auditors; 6.

Meetings and Powers of Auditors; 7.

Churchwardens to prepare Estimates to be allowed by Auditors; 8.

Audit of Accounts; 9.

Accounts to be signed by Auditors; 10.

Accounts to be open for Inspection; 11.

Ordinary or Official to decide Disputes; 12.

Balance to be paid to succeeding Churchwardens; 13.

Interpretation of Terms; 14.

Act not to extend to Scotland or Ireland; 15.

Title of Act; 16.

A

BILL

TO

Abolish Church Rates, and to make other Provisions in lieu thereof.

Preamble.

WHEREAS Church Rates have for some Years ceased to be made or collected in many Parishes by reason of the Opposition thereto, and in many other Parishes where Church Rates have been made the levying thereof has given rise to Litigation and Ill-feeling: And whereas it is expedient that the Power to make Church Rates should be abolished: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Church Rates to be abolished.

I. From and after the *passing of this Act*, no Church Rate shall be made or levied in any Parish in England or Wales.

Proviso as to Sums borrowed and Salaries charged upon Church Rates by Statute.

II. Provided always, That in any Parish where a Sum of Money has before the *passing of this Act* been legally borrowed under the Provisions of any Act of Parliament on the Security of Church Rates to be made and levied in such Parish, such Rates may still be made and

and levied for the Purpose of paying off the Money so borrowed, but not otherwise, until the Debt incurred under the Powers and Provisions of such Act shall have been liquidated: Provided also, that in any Parish where, before the passing of this Act, the Salary of any Person holding any particular Office or Employment in such Parish has, under the Provisions of any Act of Parliament, been charged upon or made payable out of Church Rates to be made and levied in such Parish, such Rates may still be made and levied as heretofore for the Purpose of paying such Salary, but not otherwise, to the Person entitled at the Time of passing this Act to receive the same, so long as such Person shall continue to hold such Office or Employment, but no longer.

Churchwarden may receive voluntary Contributions for the Purposes of the ParochialChurch.

III. It shall be lawful for any Churchwarden or Churchwardens of a Parish, or for any One Churchwarden, if more than One in a Parish, to collect and receive voluntary Contributions for and towards any Purpose or Purposes for which Church Rates have been heretofore legally made and levied; and, subject to the Provisions of this Act, such Churchwarden or Churchwardens shall apply the Funds or Monies resulting therefrom as they would have been bound to apply the same if such Funds or Monies had been raised by Church Rates, and he or they shall be subject to the same Duties, Obligations, and Liabilities in respect thereof as if such Funds or Monies had been raised by Church Rates: Provided always, that such Churchwarden or Churchwardens may apply such Funds or Monies towards any Purpose or Purposes of the Church of such Parish which shall be approved of and allowed by the Auditors to be appointed in the Manner herein-after mentioned.

No Disbursement without Approval of Auditors.

IV. No Disbursement of such Funds or Monies, or Expenditure of any Part thereof for any of the herein-before mentioned Purposes, shall be made without the Approval and Allowance of the said Auditors or the major Part of them of such Disbursement and Expenditure, in the Manner herein-after provided.

Election of Auditors.

V. In every Parish there shall be elected annually, at the usual Period of appointing the Parish Officers for such Parish, Five Persons to be Auditors of the Accounts of the Parish Church, of whom One shall be elected by the Incumbent, or, in his Absence, by his licensed Curate, and the other Four shall be elected by the Parishioners or Inhabitants of such Parish in Vestry assembled, according to the usual Mode of Election of Parish Officers in such Parish.

VI. The

VI. The only Persons eligible to fill the said Office of Auditor shall be the Incumbent of the Parish for the Time being, and his licensed Curate or Curates, and all Parishioners or Inhabitants of such Parish who, being Ratepayers, shall be Owners or Occupiers of Pews or Seats in the Parish Church, or shall be Adult Male Communicants at the Parish Church or any Chapel of Ease or other Building within such Parish licensed by the Bishop for the Celebration of the Holy Communion: Provided also, that no Person shall be eligible to fill the said Office of Auditor who shall be interested, either directly or indirectly, in any Contract, Office, Business, or Employ, or in providing or supplying any Materials or Articles for the Parish for which he is to serve; and any Person who shall be discovered after his Election to be so interested shall cease to be an Auditor: Provided also, that if any Auditor shall die or become incapable of acting as Auditor from any Cause during the Year, another Auditor shall be forthwith appointed in his Place by the Incumbent, or, in his Absence, by his licensed Curate, or by the Parishioners in Vestry, according as the Auditor so dying or becoming incapable of acting as aforesaid shall have been elected by the Incumbent or the Parishioners in the Manner herein-before mentioned. Qualification of Auditors.

VII. The said Auditors shall meet twice at least in every Year for the Purpose of approving and allowing the Estimates (if any), and of auditing the Accounts of the Churchwardens or Churchwarden, and (a Majority of the said Auditors being present at such Meetings) they shall proceed to consider such Estimates (if any) and to audit such Accounts; and for that Purpose they shall have the like Powers and Authority as are given to Auditors appointed under an Act passed in the First and Second Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for "the better Regulation of Vestries, and for the Appointment of "Auditors of Accounts in certain Parishes of England and Wales:" Provided always, that, if it shall be deemed necessary, the Churchwarden or Churchwardens of any Parish may at any Time by a Two Days Notice in Writing, signed by such Churchwarden or Churchwardens, summon such Auditors to a Special Meeting to be held for the Purposes aforesaid; and the Mode of Proceeding and the Powers of the Auditors shall be the same at a special as at a regular Meeting. Meetings and Powers of Auditors. 1 & 2 W. 4. c. 60. s. 35.

VIII. The Churchwarden or Churchwardens of any Parish shall, within a reasonable Time after his or their Admission into Office, and from Time to Time during his or their Continuance in Office if Churchwardens to prepare Estimates to be allowed by Auditors.

if necessary, prepare, or cause to be prepared, and sign an Estimate in Writing of the probable current Expenses of the Year or of some Part thereof, specifying therein the Items of such probable Expenditure; and such Estimate shall be laid before the said Auditors for their Approval and Allowance at One of their regular or special Meetings, as herein-before provided; and the Auditors (a Majority of them being present) shall allow or disallow any Part of the said Estimate as they or the major Part of them present shall think fit; and the said Estimate, or such Part of it as shall be allowed, shall be thereupon signed by the Auditors approving and allowing the same in the Presence of the Clerk of the Vestry of such Parish, who shall also affix his Signature to the same.

Audit of Accounts.

IX. The Churchwardens or Churchwarden of every Parish are or is hereby required to cause a Book or Books to be purchased and kept, and true and regular Accounts to be entered therein of all Sums of Money received or disbursed in virtue of their or his Office, and of the several Articles, Matters, or Things for which such Sums of Money shall have been so received or disbursed; and they or he shall lay before the said Auditors at each of the said regular Meetings a true Statement or Account in Writing, accompanied with proper Vouchers, of all voluntary Contributions and other Monies received or disbursed by them in virtue of their Office since the last Period up to which the Accounts were audited; and the said Auditors shall thereupon proceed to audit the said Accounts in the Manner herein-before provided.

Accounts to be signed by Auditors.

X. The said Accounts when audited and approved by the said Auditors or the major Part of them, shall be signed by the Auditors approving the same in the Presence of the Clerk of the Vestry of such Parish, and the said Clerk of the Vestry shall also affix his Signature to the same; and it shall be lawful for the said Auditors or any of them to subjoin such Remarks thereto as to them or him may seem fit.

Accounts to be open to Inspection.

XI. The said Accounts, when so audited and signed, shall be deposited in the Chest of such Parish, and shall be open and accessible for the Examination at any Vestry of any Parishioner entitled to vote at such Vestry; and the Churchwarden or Churchwardens of such Parish is or are hereby required, upon any Parishioner entitled to vote at the Vestry thereof applying, within *Fourteen* Days after the said Accounts are so audited and signed, to make out and deliver an Abstract of the said Accounts to the Persons so applying for the same, upon Payment by such Person of the Sum of *Two Shillings*.

XII. If

Ordinary or Official to decide Disputes.

XII. If any Dispute shall arise about allowing the Estimates or Accounts of the Churchwardens, such Dispute shall be decided by the Ordinary or his Official, who shall have full Power to examine such Estimates and Accounts, and for such Purpose to require the Attendance before him of such Person or Persons, and the Production of such Books, Documents, or Writings, as he shall think fit, and to determine what Articles, Matters, or Things are proper and reasonable, and ought to be allowed, and he shall thereupon allow the same, and his Decision shall be final.

Balance to be paid to succeeding Churchwardens.

XIII. The Balance of all Monies remaining in the Hands of the Churchwardens at the Time of making their Presentments on the Expiration of their Year of Office shall be handed over by them to their Successors in Office, when duly admitted; and if any Party shall make default or neglect or refuse to pay over any such Balance when lawfully required so to do, any Churchwarden duly admitted may sue for and recover any such Balance by Action in the Name of the Churchwardens of the Parish.

Interpretation of Terms.

XIV. In the Construction of this Act the Word "Parish" shall be understood to mean any Ecclesiastical District legally assigned, having within it a consecrated Church or Chapel belonging to the Church of England; and the Word "Church" shall include any such Chapel.

Act not to extend to Scotland or Ireland.

XV. This Act shall not extend to Scotland or Ireland.

Title of Act.

XVI. This Act may be cited as "The Church Rate Abolition Act, 1856."

Church Rates Abolition.

A

B I L L

To abolish Church Rates, and to make other Provisions in lieu thereof.

(*Prepared and brought in by*
Sir William Clay, Mr. Hutt, and Mr. Miall.)

Ordered, by The House of Commons, *to be Printed,*
8 *February* 1856.

[Bill 26.]

Under 1 *oz.*

Civil Service Superannuation Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 4 & 5 W. 4. c. 24.

4 & 5 W. 4. c. 24. ss. 9, 10, 11. and 17. repealed; Sect. 1.

Ordinary Scale of Superannuation Allowances for permanent Offices; 2.

Proviso as to Persons who entered the Service before 5th August 1829; 3.

Special Scale of Allowances for professional and other Offices; 4.

Conditions on which Allowances are to be granted as to Life and Infirmity; 5.

Allowances may be increased or reduced by the Treasury in respect of special Circumstances appearing on the Records of the Department, but not otherwise; 6.

Treasury may grant Allowances by way of Compensation on Abolition of Office; 7.

Treasury may grant Gratuity to Persons incapacitated from ill Health, where not entitled to Superannuation; 8.

Treasury may grant a Gratuity or Superannuation to Persons incapacitated by Injury received in Execution of Office; 9.

Provision as to Retirement of Officers after Sixty Years of Age; 10.

Persons to retain Right to Superannuation on Transfer to other Employment under the Crown; 11.

Act not to prevent Dismissals for Misconduct; 12.

4 & 5 W 4. c. 24. and this Act to be read as one Act; 13.

A

BILL

TO

Amend the Law for regulating Allowances granted in respect of Persons having held Civil Offices in Her Majesty's Service.

WHEREAS an Act was passed in the Session holden in the Fourth and Fifth Years of the Reign of King William the Fourth, Chapter Twenty four, "to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service:" And whereas it is expedient to amend the said Act as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 4 & 5 W. 4. c. 24.

I. Sections Nine, Ten, Eleven, and Seventeen of the said Act of the Fourth and Fifth Years of King William the Fourth shall be repealed, but such Repeal shall not affect any Compensation or Allowance granted or Act done before the passing of this Act. 4 & 5 W. 4. c. 24. ss. 9, 10, 11. and 17. repealed.

Ordinary Scale of Superannuation Allowances for permanent Offices.

II. After the *passing of this Act*, the Superannuation Allowance to be granted to Persons who shall have served in any One or more of the Civil Offices and Departments set forth and enumerated in the Schedule (A.) to this Act, with such Exceptions as are specified in the said Schedule, shall be in the following Proportions, with reference to the Amount of their Salaries and the Periods of their Services respectively; (that is to say,)

To any Person who shall have served Ten Years and upwards and under Eleven Years, an annual Allowance equal to *Sixteen Sixtieths* of the annual Salary and Emoluments of his Office;

For Eleven Years and under Twelve Years, *Seventeen Sixtieths* of such Salary and Emoluments;

And in like Manner a further Addition of *One Sixtieth* in respect of each additional Year of such Service, as shown in the Scale set forth in the Schedule (B.) to this Act, until the Completion of a Period of Service of Thirty-four Years, when the annual Allowance of *Forty Sixtieths* of the Amount of the Salary may be granted; and no Addition shall be made in respect of any Service beyond the Period of Thirty-five years.

Proviso as to Persons who entered the Service before 5th Aug. 1829.

III. Provided always, That where any such Person entered the Public Service before the Fifth Day of August One thousand eight hundred and twenty-nine, and shall have served Thirty-five Years or upwards, a further Addition of *One Sixtieth* shall be made in respect of each additional Year of Service beyond Thirty-four Years up to and including Forty-nine Years, and where he shall have served Fifty Years or upwards the Superannuation Allowance shall be equal to the net Amount of the Salary and Emoluments of his Office.

Special Scale of Allowances for professional and other Offices.

IV. And whereas the Duties of certain Offices require professional or other peculiar Qualifications, and it may be for the Interest of the Public Service that Persons shall be appointed thereto at a more advanced Period of Life than the Holders of Offices to which the Scale herein-before mentioned is applicable:

It shall be lawful for the Commissioners of the Treasury, by their Order or Warrant, to direct, in respect of any such Office, that, having regard to the Nature thereof or the Circumstances of the Appointment thereto, the Holders thereof should be entitled to Superannuation Allowance according to the special Scale authorized by this Act, and in all such Cases the Superannuation Allowances to the Persons who shall have held any of the Offices to which such Orders or Warrants relate shall be in the following Proportions, with reference to the Amount

Amount of their Salaries and the Periods of their Services respectively; (that is to say,)

To any Person who shall have served Ten Years and under Eleven Years in any such Office, an annual Allowance equal to *Thirty Sixtieths* of the annual Salary of his Office;

For Eleven Years and under Twelve Years, *Thirty-one Sixtieths* of such Salary;

And in like Manner a further Addition of *One Sixtieth* in respect of each additional Year of such Service until the Completion of a Period of Service of Twenty Years, when the annual Allowance of *Forty Sixtieths* may be granted; but no Addition shall be made to any such Superannuation Allowance in respect of Service beyond the Period of Twenty Years.

Conditions on which Allowances are to be granted as to Life and Infirmity.

V. It shall not be lawful to grant any Superannuation Allowance to any Person who shall be under Sixty Years of Age, unless upon such Certificates from the Heads or Head of the Department to which such Person shall belong, and from Two Medical Practitioners, One of whom shall be nominated by the Head or Heads of such Department or by the Commissioners of the Treasury, or if the Person claiming Superannuation be the Head or One of the Heads of the Department, then upon such Certificates as may be satisfactory to the Commissioners of the Treasury of such Two Medical Practitioners alone, that he is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Situation.

Allowances may be increased or reduced by the Treasury in respect of special Circumstances appearing on the Records of the Department, but not otherwise.

VI. It shall be lawful for the Commissioners of the Treasury to grant to any Person a Superannuation Allowance of greater or less Amount than the Amount fixed by this Act where the Circumstances of the Case, as shown by the Records of the Department in which he may have served, shall appear to them to justify such Increase or Diminution, but so that such Superannuation Allowance shall in no Case exceed the Salary enjoyed by the Grantee at the Time of Retirement; and the Grounds of every such Increase or Diminution shall be entered in the Minutes of the Treasury, and shall be laid before Parliament with the annual Accounts of Superannuation Allowances; and, except in such Cases as aforesaid, all Superannuation Allowances shall be granted according to the Scales provided by this Act.

Treasury may grant Allowances by way of Compensation on Abolition of Office.

VII. It shall be lawful for the Commissioners of the Treasury to grant to any Person retiring or removed from the Public Service in consequence of the Abolition of his Office, or for the Purpose of facilitating Improvements in the Organization of the Department to which he belongs, by which greater Efficiency and Economy can be effected, such

such special annual Allowance by way of Compensation as on a full Consideration of the Circumstances of the Case may seem to the said Commissioners to be areasonable and just Compensation for the Loss of Office; but such Compensation Allowance shall in no Case exceed *Two Thirds* of the Salary or Emoluments of such Office.

Treasury may grant Gratuity to Persons incapacitated from ill Health where not entitled to Superannuation.

VIII. Where any Person holding any Office or Employment in respect of Service in which a Superannuation Allowance might be granted under this Act is constrained, from Infirmity of Mind or Body, to leave the Public Service before the Completion of the Period which would entitle him to Superannuation Allowance, it shall be lawful for the Commissioners of the Treasury, upon Certificate from the Heads or Head of the Department, and from Two Medical Practitioners, that such Person was incapable from such Infirmity to discharge the Duties of his Situation, to grant to such Person by way of Gratuity such Sum of Money as the said Commissioners may think fit, under the Circumstances of the Case, but so that no such Gratuity shall exceed the Amount of One Quarter's Pay or Salary for *Two Years* of the Service of such Person, and so in proportion for his Length of Service.

Treasury may grant Gratuity or Superannuation to Persons incapacitated by Injury received in Execution of Office.

IX. In the event of a Person being compelled to quit the Service by reason of severe bodily Injury unavoidably occasioned in the Execution of his public Duty, such Person not being entitled to a Superannuation Allowance under this Act, the Commissioners of the Treasury may grant a Gratuity not exceeding One Quarter's Pay or Salary for every *Two Years* of Service, or a Superannuation Allowance not exceeding the lowest Amount fixed by this Act as applicable to the Salary of such Person, upon an Application and Recommendation from the Head or Heads of the Department, and the Production of satisfactory Proof that the Injury was not caused by Carelessness or Neglect of his own.

Provision as to Retirement of Officers after Sixty Years of Age.

X. Whenever any Person holding any Employment entitling him to Superannuation under this Act shall have reached the Age of Sixty Years, it shall be lawful for the Commissioners of the Treasury, if he be an Officer of the Treasury, upon their own Discretion, and if he be not an Officer of the Treasury, on Representation being made by the Department to which he belongs that it would be for the Convenience of the Public Service, to permit him to retire on such Allowance as he may then be entitled to under this Act; and after Sixty-five Years of Age every Person holding any such Employment as aforesaid shall retire on the Superannuation Allowance to which he may then be entitled, except in special Cases, in which his Continuance in Office shall be deemed of Utility to the Public Service,

Service, and shall on that Ground be specially authorized by the Commissioners of the Treasury.

Persons to retain Right to Superannuation on Transfer to other Employment under the Crown.

XI. And whereas it will be for the Advantage of the Public Service that Persons holding Employments entitling them to Superannuation Allowances under this or other Acts shall be eligible for other Public Employments at home and abroad, without forfeiting their Claims to such Allowances:

Every Person transferred from Employment entitling him to Superannuation Allowance under the Provisions of this Act or of any other Act to Public Employment under the Crown not so entitling him, shall, in the event of his paying while so subsequently employed such annual Rate of Abatement in respect of a Right to Superannuation as the Commissioners of the Treasury may at the Time of such Transfer fix, but not less than the Abatement leviable under this Act from the Salary of the Appointment vacated, be entitled, on his ultimate Retirement from the Public Service, to the same Allowance as if he had continued to hold the vacated Appointment and at the same Rate of Salary as when the same was vacated; subject nevertheless to the Conditions as to Health, Age, and Length of Service which would in that Case have been applicable with respect to the Grant of such Allowance; provided nevertheless, that it shall be lawful for the Commissioners of the Treasury, in the Case of Persons transferred to Governorships and Lieutenant-Governorships of Colonies, and other high Offices abroad, conferred for a limited Period, to assign the prescribed Rate of Superannuation Allowance to such Persons on the Expiration of such Term of Service without a Renewal of Public Employment; provided also, that any such Person, being pensioned under these Circumstances at any Age under Sixty Years, shall be liable to Reappointment to any Office under the Crown as herein provided in the Case of Persons to whom Compensation or Allowance is granted on the Abolition of their Offices.

Act not to prevent Dismissals for Misconduct.

XII. Nothing in this Act shall be construed to deprive the Commissioners of the Treasury, and the Heads or Principal Officers of the respective Departments, of their Power and Authority to dismiss any Person from the Public Service without Compensation.

4 & 5 W. 4. c. 24., and this Act to be read as one Act.

XIII. So much of the said Act of the Fourth and Fifth Years of King William the Fourth as is not hereby repealed and this Act shall be construed together as one Act; and where in the Provisions not hereby repealed of the said Act of the Fourth and Fifth Years of King William the Fourth the Schedule to that Act is mentioned or referred to, such Provisions shall be construed as if the Schedule (A.) to this Act had been mentioned or referred to in such Provisions in lieu of the Schedule to the said Act.

SCHEDULES to the foregoing Act.

SCHEDULE (A.)

Offices or Departments.	Exceptions.
Treasury	Lords of the Treasury and Joint Secretaries.
Office of Privy Council, Great Britain and Ireland	President of the Council.
Office of Committee for Trade	President and Vice-President.
Offices of the Secretaries of State	Secretaries and Under Secretaries.
Office of Secretary for Ireland	Chief Secretary.
Consuls General and Consuls restricted from being engaged in Trade.	
Police Offices in the Metropolitan District.	
Commander of the Forces Office, England and Ireland	Commander in Chief and his Secretary, and Officers acting under Military Commissions.
Quartermaster General's Office, ditto	
Adjutant General's Office, ditto	
Army Medical Board.	
Board of General Officers	Officers acting under Military Commissions.
Chaplain General's Office.	
Judge Advocate General's Office	Judge Advocate General.
Pay Office	Paymaster General.
Chelsea and Kilmainham Hospitals	Persons who, being Military Officers, may be entitled to Full or Half Pay as such, subject, however, to the Provisions of this Act.
Royal Military College	
Royal Military Asylum	
Admiralty and Naval Establishments at Home and Abroad	Lords of the Admiralty and Secretaries. Superintendents of Dock Yards and Victualling Yards, and Naval Medical Establishments or Hospitals, not having been employed in the Civil Service of the Navy prior to the Fifth Day of August One thousand eight hundred and twenty-nine, and Officers acting by virtue of Naval or Military Commissions or Warrants, and entitled to Half Pay.
Poor Law Board	The President.
General Board of Health	The President.
Customs.	
Inland Revenue.	
Post Office	The Postmaster General.
Royal Mint	The Master of the Mint.
Audit Office.	
National Debt Office.	
Office of Comptroller of the Exchequer	The Comptroller General.
Stationery Office.	
Office of Works, &c.	First Commissioner.
Office of Woods, &c.	

Offices or Departments.	Exceptions.
Queen's Remembrancer's Office in the Exchequer of Scotland.	
Signet and Privy Seal Offices, Scotland.	
Fishery Board, Scotland.	
Factory Department.	
Colonial Land and Emigration Office.	
Queen's Prison.	
General Register Office.	
Inspectors General of Prisons.	
Record Office.	
Registrar of Sasines, Scotland.	
Public Works Loan Commissioners.	
West India Relief.	
Governors of Military Prisons.	
Poor Law Department, Scotland.	
IRELAND.	
Hibernian School for Soldiers Children.	
Board of Education.	
Board of Charitable Donations and Bequests.	
Registrar of Deeds.	
Board of Public Works.	
Insolvent Debtors Court - -	Commissioners.
Court of Chancery - - -	Officers paid by Fees.
Court of Exchequer - - -	Officers paid by Fees.
Taxing Office in Common Law Business - - - - -	Officers paid by Fees.
Officers of Masters of Courts of Common Law.	
Poor Law Board.	

SCHEDULE (B.)

SCALE of ordinary Superannuation Allowances applicable to the Offices and Departments mentioned in Schedule (A.)

Length of Service.	Amount of Superannuation Allowance.
10 Years and under 11	*16/60*ths of the Salary.
11 to 12	*17/60*ths ,,
12 to 13	*18/60*ths ,,
13 to 14	*19/60*ths ,,
14 to 15	*20/60*ths ,,
15 to 16	*21/60*ths ,,
16 to 17	*22/60*ths ,,
17 to 18	*23/60*ths ,,
18 to 19	*24/60*ths ,,
19 to 20	*25/60*ths ,,
20 to 21	*26/60*ths ,,
21 to 22	*27/60*ths ,,
22 to 23	*28/60*ths ,,
23 to 24	*29/60*ths ,,
24 to 25	*30/60*ths ,,
25 to 26	*31/60*ths ,,
26 to 27	*32/60*ths ,,
27 to 28	*33/60*ths ,,
28 to 29	*34/60*ths ,,
29 to 30	*35/60*ths ,,
30 to 31	*36/60*ths ,,
31 to 32	*37/60*ths ,,
32 to 33	*38/60*ths ,,
33 to 34	*39/60*ths ,,
34 and upwards	*40/60*ths ,,

Forty-sixtieths of the Salary is the highest Amount of ordinary Superannuation, except in the Case of Persons who entered the Service before the Fifth August One thousand eight hundred and twenty-nine, to whom alone the following Part of this Schedule is applicable:—

35 to 36	*41/60*ths of the Salary.
36 to 37	*42/60*ths ,,
37 to 38	*43/60*ths ,,
38 to 39	*44/60*ths ,,
39 to 40	*45/60*ths ,,
40 to 41	*46/60*ths ,,
41 to 42	*47/60*ths ,,
42 to 43	*48/60*ths ,,
43 to 44	*49/60*ths ,,
44 to 45	*50/60*ths ,,
45 to 46	*51/60*ths ,,
46 to 47	*52/60*ths ,,
47 to 48	*53/60*ths ,,
48 to 49	*54/60*ths ,,
49 to 50	*55/60*ths ,,

For Service for the full Period of Fifty Years and upwards the Superannuation Allowance in the Case of Persons who have entered the Service before the Fifth August One thousand eight hundred and twenty-nine to be equal to the full Amount of the Salary.

Civil Service Superannuation.

A

B I L L

To amend the Law for regulating Allowances granted in respect of Persons having held Civil Offices in Her Majesty's Service.

(*Prepared and brought in by The Chancellor of the Exchequer and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed*, 15 *February* 1856.

[Bill 37.]

Under 2 oz.

7 *July* 1856. 19 & 20 Vict.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Law for regulating Allowances granted in respect of Persons having held Civil Offices in Her Majesty's Service.

[Note.—*Clauses* A. *to* D. *were added by the Select Committee.*]

Preamble.

WHEREAS an Act was passed in the Session holden in the Fourth and Fifth Years of the Reign of King William the Fourth, Chapter Twenty-four, "to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service:" And whereas it is desirable to do away with the System by which a Portion of the Salaries of Civil Servants is deducted on account of Superannuation Allowances, and otherwise to amend the said Act as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

4 & 5 W. 4. c. 24.

I. Sections Ten, Fourteen, and Twenty-seven of the said Act of the Fourth and Fifth Years of King William the Fourth shall be repealed, but such Repeal shall not affect any Compensation or Allowance granted or Act done before the passing of this Act.

4 & 5 W. 4. c. 24. ss. 10., 14., and 27. repealed.

CLAUSE A. Salaries to be revised, with due Regard to the Abolition of Deductions.

II. The Commissioners of Her Majesty's Treasury shall, with all convenient Speed after the passing of this Act, cause the Salaries or Rates of Payment in the several Branches of the Civil Service of the State not excepted from the Provisions of this Act as to Superannuation Allowances to be revised, with a due Regard to the Amount of the Deductions which will be remitted by reason of the Repeal of Section Twenty-seventh of the said Act of the Fourth and Fifth Years of King William the Fourth, and such Modification of Salaries as, by Order of the said Commissioners of the Treasury, may be made on such Revision, shall take effect on the First Day of April One thousand eight hundred and fifty-seven; and a Report of such Revision, and of all Minutes of the Commissioners of the Treasury thereon, shall be laid before Parliament in the Month of March One thousand eight hundred and fifty-seven, or if Parliament be not then sitting, within Fourteen Days after the next Meeting of Parliament.

CLAUSE B. Revision of Salaries in the Case of Offices not under the Provisions of 4 & 5 W. 4. c. 24., but to which the Superannuation Allowances under this Act will be extended.

III. The Commissioners of Her Majesty's Treasury shall also, with all convenient Speed after the passing of this Act, cause to be revised the Salaries or Rates of Payment payable in respect of Offices not now under the Provisions of the said Act of the Fourth and Fifth Years of King William the Fourth, as to Superannuation Allowances, but to which the Provisions of this Act as to such Allowances may be extended, due Regard being had in such Revision to the Advantages accruing to the Holders of such Offices from the Provisions of this Act; and such Modification of Salaries shall take effect on the First Day of April One thousand eight hundred and fifty-seven; and a Report of such Revision, and of the Minutes of the Commissioners of the Treasury thereon, shall be laid before Parliament at the Time mentioned in the last preceding Clause.

Ordinary Scale of Superannuation Allowances for permanent Offices.

IV. After the Commencement of this Act the Superannuation Allowance to be granted to Persons who shall have served in the Civil Service of the State, and who shall have entered into such Service subsequently to the Fourth of August One thousand eight hundred and twenty-nine, shall not exceed the following Proportions, with reference to the Amount of their Salaries and the Periods of their Services respectively; (that is to say,)

To any Person who shall have served Ten Years and upwards and under Eleven Years, an annual Allowance not exceeding Ten Sixtieths of the annual Salary and Emoluments of his Office:

For Eleven Years and under Twelve Years, an annual Allowance not exceeding Eleven Sixtieths of such Salary and Emoluments:

And in like Manner an annual Allowance not exceeding a further Addition of One Sixtieth in respect of each additional Year of such Service, as shown in the Scale set forth in the Schedule (A.)

to

to this Act, until the Completion of a Period of Service of Forty Years, when the annual Allowance of Forty Sixtieths of the Amount of the Salary may be granted; and no Addition shall be made in respect of any Service beyond the Period of Forty Years:

Saving of Rights of Officers who entered the Public Service before 5th August 1829.

Provided always, that nothing herein contained shall affect the Provisions of the said Act of the Fourth and Fifth Years of King William the Fourth, concerning the Superannuation Allowances to be granted to Officers and Clerks now under the Provisions of that Act, who entered the Public Service before the Fifth Day of August One thousand eight hundred and twenty-nine.

Special Scale of Allowances for professional and other Offices.

V. And whereas the Duties of certain Offices require professional or other peculiar Qualifications which ordinarily cannot be acquired in the Public Service, and it is for the Interest of the Public Service that Persons shall be appointed thereto at a more advanced Period of Life than the Holders of Office generally:

The Superannuation Allowances to be granted to Persons who shall have served in the Offices mentioned in Schedule (B.) to this Act shall be in the following Proportions with reference to their Salaries and Periods of Service; viz.

To any Person who shall have served Ten Years and under Eleven Years in any such Office, an annual Allowance not exceeding Twenty Sixtieths of the annual Salary of his Office:

For Eleven Years and under Twelve Years, an annual Allowance not exceeding Twenty-one Sixtieths of such Salary:

And in like Manner an annual Allowance not exceeding a further Addition of One Sixtieth in respect of each additional Year of such Service until the Completion of a Period of Service of Thirty Years, when the annual Allowance of Forty Sixtieths may be granted; but no Addition shall be made to any such Superannuation Allowance in respect of Service beyond the Period of Thirty Years:

And it shall be lawful for the Commissioners of the Treasury, from Time to Time, by their Order or Warrant, to add to such Schedule such Offices as may be considered to come within the Principle of this Enactment.

Treasury may grant Allowances by way of Compensation on Abolition of Office.

VI. It shall be lawful for the Commissioners of the Treasury to grant to any Person retiring or removed from the Public Service in consequence of the Abolition of his Office, or for the Purpose of facilitating Improvements in the Organization of the Department to which he belongs, by which greater Efficiency or Economy can be effected, such special annual Allowance by way of Compensation as on a full Consideration of the Circumstances of the Case may seem to the

said Commissioners to be a reasonable and just Compensation for the Loss of Office; and if the Compensation shall exceed the Amount to which such Person would have been entitled by the Length of his Service under the Scale of Superannuation provided by this Act, such Allowance shall be granted by special Minute, stating the special Grounds for granting such Allowance, which Minute shall be laid before Parliament within Fourteen Days after such Minute shall have passed, if Parliament be then sitting, and if not, then within Fourteen Days after the Meeting of Parliament which shall next follow the passing of such Minute; but such Compensation Allowance shall in no Case exceed Two Thirds of the Salary or Emoluments of such Office.

Treasury may grant Gratuity to Persons incapacitated from ill Health where not entitled to Superannuation.

VII. Where any Person holding any Office or Employment in respect of Service in which a Superannuation Allowance might be granted under this Act is constrained, from Infirmity of Mind or Body, to leave the Public Service before the Completion of the Period which would entitle him to Superannuation Allowance, it shall be lawful for the Commissioners of the Treasury, upon Certificate from the Heads or Head of the Department, accompanied by Medical Certificates to the Satisfaction of the said Commissioners of the Treasury, that such Person was incapable from such Infirmity to discharge the Duties of his Situation, to grant to such Person by way of Gratuity such Sum of Money as the said Commissioners may think fit, under the Circumstances of the Case, but so that no such Gratuity shall exceed the Amount of One Quarter's Pay or Salary for Two Years of the Service of such Person, and so in proportion for his Length of Service.

Treasury may grant Gratuity or Superannuation to Persons incapacitated by Injury received in Execution of Office.

VIII. In the event of a Person being compelled to quit the Service by reason of severe bodily Injury unavoidably occasioned in the Execution of his public Duty, such Person not being entitled to a Superannuation Allowance under this Act, the Commissioners of the Treasury may grant a Gratuity not exceeding One Quarter's Pay or Salary for every Two Years of Service, or a Superannuation Allowance not exceeding the lowest Amount fixed by this Act as applicable to the Salary of such Person, upon an Application and Recommendation from the Head or Heads of the Department.

Persons to retain Right to Superannuation on Transfer to other Employment under the Crown.

IX. And whereas it will be for the Advantage of the Public Service that Persons holding Employments entitling them to Superannuation Allowances under this or other Acts shall be eligible for other Public Employments at home and abroad, without forfeiting their Claims to such Allowances:

If any Person be transferred from Employment entitling him to Super-

Superannuation Allowance under the Provisions of this Act, or of any other Act, to Public Employment under the Crown not so entitling him, it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall think fit, on his ultimate Retirement from the Public Service, to grant him the same Allowance as if he had retired from the Public Service on the Ground of Infirmity of Mind or Body at the Time he resigned such vacated Appointment, and at the same Rate of Salary as when the same was vacated.

Act not to prevent Dismissals for Misconduct.

X. Nothing in this Act shall be construed to deprive the Commissioners of the Treasury, and the Heads or Principal Officers of the respective Departments, of their Power and Authority to dismiss any Person from the Public Service without Compensation.

4 & 5 W. 4. c. 24. and this Act to be read as One Act.

XI. So much of the said Act of the Fourth and Fifth Years of King William the Fourth as is not hereby repealed and this Act shall be construed together as One Act.

Clause C. As to Construction of s. 46. of 15 & 16 Vict. c. 87.

XII. The Forty-sixth Section of an Act passed in the Session holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Eighty-seven, shall be read and construed as if this Act had been mentioned and referred to in such Forty-sixth Section instead of the said Act of the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four.

Clause D. Commencement of Act.

XIII. Save as herein-before expressly provided as to the Revision of Salaries, this Act shall come into operation on the First Day of April One thousand eight hundred and fifty-seven.

SCHEDULES to the foregoing Act.

SCHEDULE (A.)

SCALE of ordinary Superannuation Allowances.

Length of Service.	Amount of Superannuation Allowance.
10 Years and under 11	10/60ths of the Salary.
11 to 12	11/60ths ,,
12 to 13	12/60ths ,,
13 to 14	13/60ths ,,
14 to 15	14/60ths ,,
15 to 16	15/60ths ,,
16 to 17	16/60ths ,,
17 to 18	17/60ths ,,
18 to 19	18/60ths ,,
19 to 20	19/60ths ,,
20 to 21	20/60ths ,,
21 to 22	21/60ths ,,
22 to 23	22/60ths ,,
23 to 24	23/60ths ,,
24 to 25	24/60ths ,,
25 to 26	25/60ths ,,
26 to 27	26/60ths ,,
27 to 28	27/60ths ,,
28 to 29	28/60ths ,,
29 to 30	29/60ths ,,
30 to 31	30/60ths ,,
31 to 32	31/60ths ,,
32 to 33	32/60ths ,,
33 to 34	33/60ths ,,
34 to 35	34/60ths ,,
35 to 36	35/60ths ,,
36 to 37	36/60ths ,,
37 to 38	37/60ths ,,
38 to 39	38/60ths ,,
39 to 40	39/60ths ,,
40 and upwards	40/60ths ,,

SCHEDULE (B.)

Solicitors to Public Boards.
Police Magistrates—England and Ireland (Metropolitan).
Commissioners of Police.

Civil Service Superannuation.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Law for regulating Allowances granted in respect of Persons having held Civil Offices in Her Majesty's Service.

(*Prepared and brought in by The Chancellor of the Exchequer and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed*, 7 *July* 1856.

[Bill 223.]

Under 1 *oz.*

28 *April* 1856. 19 Vict.

A

BILL

TO

Continue and amend an Act for establishing an Office for the Benefit of the Coalwhippers of the Port of London.

WHEREAS an Act was passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, for regulating the Vend and Delivery of Coals in the Cities of London and Westminster, and in certain Parts of the Counties of Middlesex, Surrey, Kent, Essex, Hertfordshire, Buckinghamshire and Berkshire: And whereas an Act was passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, Chapter One hundred and one, to continue the last-mentioned Act for Seven Years: And whereas an Act was passed in the Session of Parliament, held in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and one, to continue, until the Fifth Day of July One thousand eight hundred and sixty-two, the Acts for regulating the Vend and Delivery of Coals in London and Westminster and in certain Parts of the adjacent Counties, and to alter and amend the said Acts: And whereas an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter One hundred and

Preamble.
1 & 2 W. 4. c. 76.
1 & 2 Vict. c. 101.
8 & 9 Vict. c. 101.
6 & 7 Vict. c. 101.

and one, for establishing an Office for the Benefit of Coalwhippers of the Port of London, and for staying certain Actions in respect of Fitters Certificates: And whereas an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-six, to continue to the First Day of January One thousand eight hundred and fifty-one and to the End of the then next Session of Parliament, and to amend, the said Act for establishing an Office for the Benefit of Coalwhippers of the Port of London: And whereas an Act was passed in the Session held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Seventy-eight, to continue and amend an Act for establishing an Office for the Benefit of the Coalwhippers of the Port of London: And whereas the said last-mentioned Act will expire at the End of the present Session of Parliament, and it is expedient that the same should be continued, and in the respects herein-after mentioned should be altered and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

9 & 10 Vict. c. 36.

14 & 15 Vict. c. 78.

So much of 14 & 15 Vict. c. 78. s. 25. as directs Persons authorized by Commissioners to pay the Coalwhippers the Wages due to them after making the requisite Deductions, repealed.

I. So much of the said Act of the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Seventy-eight, as directs that the Person so authorized by the Commissioners as in the said Act mentioned shall receive the Money to be paid as Hire or Wages for the Labour of the Coalwhippers so discharging the Cargo or Part thereof of such Vessel as in the said Act mentioned, and for Baulk Days, and for the Hire of Tackle (if any), and shall forthwith pay the same at the nearest Head Office or Branch Office to the Clerk or other Person appointed by the Commissioners to receive the same; and if any such authorized Person as aforesaid shall neglect or refuse to pay the Money received by him as aforesaid at the Time and Place aforesaid, he shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; and the Clerk or other Person so appointed as aforesaid by the Commissioners, after deducting therefrom the Sum or Proportion prescribed under the Authority of the Act, not exceeding One Farthing in each Shilling, shall forthwith pay and divide the Residue of the Monies so received for Wages and Baulk Days to and among the Coalwhippers so employed, without any other Deduction or Abatement except as herein-after mentioned, and without imposing any Terms or Conditions whatever; and if any such Clerk or other Person as aforesaid shall make any other Deduction than as aforesaid, or shall impose any Terms or Conditions on making such Payment, he shall for every such Offence forfeit any Sum not exceeding Ten Pounds,—shall, from and immediately after *the End of the present Session of Parliament* be and the same is hereby repealed.

II. The

Persons authorized by Commissioners shall pay the Coalwhippers the Wages due to them, after making the requisite Deductions.

II. The Person so authorized by the Commissioners as in the said recited Act of the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Seventy-eight, mentioned, shall receive the Money to be paid as Hire or Wages for the Labour of the Coalwhippers in discharging the Cargo or Part thereof of such Vessel as in the said Act mentioned, and for Baulk Days, and for the Hire of Tackle (if any), and shall forthwith pay the same at the nearest Head Office or Branch Office to the Clerk or other Person appointed by the Commissioners to receive the same; and if any such authorized Person as aforesaid shall neglect or refuse to pay the Money received by him as aforesaid, at the Time and Place in the said Act appointed for the Payment thereof, he shall forfeit and pay for every such Offence any Sum not exceeding *Ten Pounds;* and the Clerk or other Person so appointed as aforesaid by the Commissioners, after deducting therefrom the Sum or Proportion prescribed under the Authority of this Act, not exceeding *One Halfpenny* in each Shilling, shall forthwith pay and divide the Residue of the Monies so received for Wages and Baulk Days to and among the Coalwhippers so employed, without any other Deduction or Abatement, except as in the said recited Act mentioned, and without imposing any Terms or Conditions whatever; and if any such Clerk or other Person as aforesaid shall make any other Deduction than as aforesaid, or shall impose any Terms or Conditions on making any such Payment, he shall for every such Offence forfeit any Sum not exceeding *Ten Pounds.*

Short Title of Act.

III. In citing this Act in any other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Coalwhippers (Port of London) Act, 1856."

Commencement of Act.

IV. This Act and the Provisions herein contained shall take effect from and immediately after *the End of this present Session of Parliament, and not before.*

Lastly-recited Act to continue except as hereby altered.

V. The said lastly-recited Act of the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, and all the Powers, Authorities, Directions, Provisions, Penalties, Forfeitures, Regulations, Clauses, Matters, and Things therein contained, (except such of them or such Parts thereof respectively as are by this Act repealed, altered, or otherwise provided for,) shall continue and be in force until the *First Day of January One thousand eight hundred and sixty-one, and to the End of the then next Session of Parliament.*

Coalwhippers (Port of London).

A

BILL

To continue and amend an Act for establishing an Office for the Benefit of the Coalwhippers of the Port of London.

(*Prepared and brought in by Mr. FitzRoy, Mr. Lowe, and Mr. Laboucher.*)

Ordered, by The House of Commons, *to be Printed*, 28 *April* 1856.

[Bill 113.]

Under 1 *oz.*

19 *June* 1856. 19 Vict.

A

BILL

TO

Render valid certain Marriages in the Church at Coatham in the Parish of Kirk Leatham in the County of York.

WHEREAS a Church at Coatham otherwise East Coatham in the Parish of Kirk Leatham in the County of York was erected and built in or before the Year One thousand eight hundred and fifty-four, and was in that Year duly consecrated for the Performance of Divine Service therein, under the Name of the Church of Christ, East Coatham: And whereas, although no District had been assigned to the said Church, divers Marriages have been solemnized in such Church, under the Opinion that, according to the Terms of the Sentence of Consecration of the said Church, or otherwise, Marriages might be lawfully solemnized therein; and Entries of the said Marriages so solemnized have been from Time to Time made in Register Books kept at the said Church: And whereas it is expedient, under the Circumstances aforesaid, to confirm the Marriages so as aforesaid solemnized in the said Church: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Marriages solemnized in Coatham Church declared valid.

I. All Marriages heretofore solemnized in the said Church, and the Publication of Banns in such Church previous to any such Marriage, shall be and be deemed to have been as good, valid, and effectual in the Law to all Intents and Purposes whatsoever as if such Marriages had been solemnized and such Publication of Banns had taken place in the Parish Church of Kirk Leatham.

Ministers having solemnized Marriages indemnified.

II. No Minister who has solemnized any of the said Marriages shall be liable to any Ecclesiastical Censures, or to any other Proceedings or Penalties whatsoever, by reason of his having so as aforesaid solemnized the same respectively.

Registers to be Evidence.

III. The Registers of the Marriages so solemnized as aforesaid, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively, in the same Manner as Registers of Marriages in Parish Churches, or Copies thereof, are by Law receivable in Evidence.

Coatham Marriages Validity.

A

BILL

To render valid certain Marriages in the Church at Coatham in the Parish of Kirk Leatham in the County of York.

(*Prepared and brought in by Mr. Massey and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 19 *June* 1856.

[Bill 187.]

Under 1 *oz.*

837

Coast-guard Service Bill.

ARRANGEMENT OF CLAUSES.

Short Title; Sect. 1.

Interpretation of Terms; 2.

Coast Guard, after Order from Treasury, shall be raised and governed by Admiralty; 3.

Lands for existing Coast-guard Service vested in Admiralty; 4.

Admiralty may acquire Lands for Coast-guard Stations; 5.

Powers, &c. of existing Coast Guard vested in Coast Guard; 6.

Coast Guard to have certain Privileges as Persons serving in the Fleet; 7.

Coast Guard borne on Books of Vessels of War to be subject to the same Laws and Customs as Persons serving in the Fleet, and as to summary Punishment; 8.

Constitution of Court-martial; 9.

Officers of Coast Guard may command Royal Naval Coast Volunteers; 10.

Act may be registered in Guernsey and Jersey; 11.

A

BILL

TO

Provide for the better Defence of the Coasts of the Realm, and the more ready Manning of the Navy, and to transfer to the Admiralty the Government of the Coast Guard.

Preamble.

WHEREAS it is expedient to make better Provision for the Defence of the Coasts of the Realm, and for the more ready Manning of Her Majesty's Navy in case of War or sudden Emergency, as well as for the Protection of Her Majesty's Revenue: And whereas it is expedient that the Officers and Men to be employed for these Purposes should be under the Control and Authority of the Commissioners of the Admiralty, and that the existing Force now employed in the Coast Guard and in the Revenue Cruisers should be placed under their Control: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. In citing this Act for any Purpose, it shall be sufficient to use the Expression "The Coast-guard Service Act, 1856."

Interpretation of Terms.

II. In this Act the Words and Expressions following shall have the Meanings hereby respectively assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

"Commissioners of the Admiralty:"

"The Commissioners of the Admiralty" shall mean the Commissioners for the Time being for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, or any Two or more of them, and the Lord High Admiral, when Her Majesty shall be pleased to appoint a Lord High Admiral:

"Commissioners of the Treasury:"

"Commissioners of the Treasury" shall mean the Lords Commissioners for executing the Office of the Lord High Treasurer:

"Commissioners of the Customs:"

"The Commissioners of the Customs" shall mean the Commissioners of Her Majesty's Customs:

"The existing Coast Guard:"

"The existing Coast Guard" shall mean the Officers and Men who shall be employed in the Service commonly called the Coast-guard Service, and in the Revenue Cruisers on the Day to be named in Writing by the Commissioners of the Treasury, as herein-after mentioned:

"The Coast Guard:"

"The Coast Guard" shall mean the Officers and Men to be employed and maintained by the Commissioners of the Admiralty under the Authority of this Act:

"Person:"

"Person" shall include any Body Politic or Corporate as well as any Individual:

"Lands."

"Lands" shall include all Lands, Tenements, and Hereditaments, and every Estate, Right, Title, and Interest therein.

Coast Guard, after Order from Treasury, shall be raised and governed by Admiralty.

III. From and after such Day as shall be named for that Purpose by the Commissioners of the Treasury, by Writing under their Hands, such Number of Officers and Men as the Commissioners of the Admiralty may from Time to Time think fit (but so that the whole Number of Officers and Men constituting the Coast Guard shall not at any One Time exceed *Ten thousand*) shall be employed, raised, maintained, equipped, and governed by the Commissioners of the Admiralty, and such Officers and Men shall be and constitute and form the Coast Guard; and the Commissioners of the Admiralty shall and may have and exercise over and with reference to the Coast Guard all the Powers, Authorities, Control, Government, Rights, Privileges, and Immunities, which shall be vested in or which may be had or exercised by any Person or Persons whomsoever over or in any way affecting the existing Coast Guard.

IV. All

IV. All Lands held for the Purposes of the existing Coast-guard Service under the Authority of any Act, or otherwise, and all other Property whatsoever held, possessed, or used for the like Purposes, shall, from and after such Day as shall be named by the Commissioners of the Treasury as aforesaid, become and be vested in and be the Property of the Commissioners of the Admiralty, in trust for Her Majesty, Her Heirs and Successors, for the Public Service; and the Commissioners of the Admiralty may from Time to Time sell, exchange, or otherwise dispose of to such Persons as they shall think fit any Lands which may become vested in them under the Authority of this Act, or in the Exercise of the Powers thereby given, and the Monies payable on or by reason of such Sales, Exchange, or Disposal shall be paid to Her Majesty's Paymaster-General for the Time being, (or to such other Person as the said Paymaster-General shall appoint,) and the Receipt of such Paymaster-General (or other Person,) indorsed on the Conveyance or Assignment, shall be an effectual Discharge.

Lands for existing Coast-guard Service vested in Admiralty.

V. The Commissioners of the Admiralty may from Time to Time, by any Writing under their Hands, authorize any Person to survey and mark out any Lands not exceeding *Five* Acres, at or for any One Coast-guard Station which may be wanted for the Purposes of the Coast-guard Service, with all necessary Ways unto and from the the same, and may authorize any Person, by Warrant, to treat and agree with the proper Parties for the Purchase of such Lands, or the Possession thereof; and the Sections of the Act passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter One hundred and seven, numbered respectively from Three hundred and thirty-six to Three hundred and forty-five (each inclusive), and all Sections of other Acts therein mentioned shall be and are hereby incorporated with this Act; and whenever in any of the Sections of any Act so hereby incorporated the Expression "the Commissioners of the Treasury," or the Expression "the Commissioners of Customs," shall occur, each of such Expressions shall for the Purposes of this Act be deemed and taken to mean the Commissioners of the Admiralty, and whenever in any of such Sections the Expression "the Officers of Customs" shall occur, such Expression shall for the Purposes of this Act be deemed and taken to mean Officers of the Coast Guard.

Admiralty may acquire Lands for Coast-guard Stations.

VI. All Laws for the Protection of the existing Coast Guard, and all Rights, Authorities, Powers, Privileges, and Immunities which shall be vested in or may be had or exercised by them shall be applicable to and be vested in and had and exercised by the Coast Guard.

Powers, &c. of existing Coast Guard vested in Coast Guard.

Coast Guard to have certain Privileges as Persons serving in the Fleet.

VII. All Officers and Men employed in the Coast Guard, and borne on the Books of any Ship or Ships belonging to Her Majesty's Fleet, shall have the same Privileges of making Allotments of Wages, and of making Remittances, and otherwise have the Benefit of and be subject to the Provisions of the Laws relating to the Pay of Her Majesty's Navy, in like Manner as Officers and Men of their respective Ratings in Her Majesty's Navy, and the Laws concerning the Discharge of Seamen serving on board Her Majesty's Ships, and becoming entitled to be discharged, (except as altered or affected by this Act), shall be applicable to the Discharge of any of such Officers and Men becoming entitled to be discharged; and Time served in the Coast Guard shall be reckoned and count for the Purposes of Pensions to such Men, as if such Men had served the same Time as Men in Full Pay and actual Service in Her Majesty's Fleet.

Coast Guard borne on Books of Vessels of War to be subject to the same Laws and Customs as Persons serving in the Fleet.

VIII. All the Laws, Statutes, Articles, Orders, and Customs for the Time being in force for the Government of Her Majesty's Ships and Vessels and Forces by Sea, and applicable to any Offence, or the Trial and Punishment of any Offence, committed on the Main Sea, or elsewhere, by any Person in or belonging to the Fleet, or by any Person in actual Service and Full Pay, and Part of the Crew of any of Her Majesty's Ships or Vessels of War, shall be applicable to such of the Officers and Men of the Coast Guard as shall from Time to Time be borne on the Books of any Ship or Ships belonging to Her Majesty's Fleet, and to the like Offences by them committed in any Place whatsoever whilst serving in the Coast-guard Service on shore; and every Officer of the Coast Guard authorized by the Commissioners of the Admiralty, by Commission or Warrant under their Hand, shall from Time to Time have and exercise over the Petty Officers and Men of the Coast Guard under his Command borne on any Ship's Books as aforesaid, and serving in such Coast-guard Service on shore, such and the like Powers of ordering and inflicting Punishment of Offences by such Officers or Men in any Place whatsoever committed, as by the Laws and Customs of Her Majesty's Navy, or by any Act of Parliament, or otherwise, may for the Time being be lawfully had and exercised by any Officer commanding any of Her Majesty's Ships and Vessels of War over the Petty Officers and Men thereof in respect of Offences wheresoever by them committed; and when any Petty Officers or Men of the Coast Guard shall be punished by Imprisonment under any Sentence or Order of any such Officer of the Coast Guard, they may be imprisoned in any of Her Majesty's Gaols, or in any House of Correction, or in any other Prison in which Petty Officers or Men serving in Her Majesty's Navy may for the Time being lawfully be imprisoned by Sentence or Order of any Officer commanding any of Her Majesty's Ships or Vessels, but no such

As to summary Punishment.

such Order for Imprisonment to be made by any such Officer of the Coast Guard so authorized as aforesaid shall have any Force or Effect until the same shall have been approved of by Writing under the Hand of the Officer of the Coast Guard for the Time being commanding the District within which the Offence shall have been committed; and all Petty Officers and Men of the Coast Guard, when so sentenced or ordered to be imprisoned, or when so imprisoned respectively, shall be deemed and taken to be within the Provisions as to Persons sentenced to be imprisoned or imprisoned respectively, of an Act of the Eleventh Year of the Reign of Her present Majesty, Chapter Sixty-two, which Act and the Act passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter Sixty-nine, shall so far as the same are or may be applicable be respectively incorporated with this Act, and be held to apply to the Officers and Men of the Coast Guard borne on Ships Books as aforesaid, and serving in the Coast-guard Service on shore.

Constitution of Court-martial.

IX. Any Court-martial constituted according to the Act of the Twenty-second Year of the Reign of His late Majesty King George the Second, Chapter Thirty-three, shall be a Court-martial properly constituted for the Trial of Offences committed by any Officers or Men of the Coast Guard borne on Ships Books as aforesaid, and serving in the Coast-guard Service on shore, wheresoever such Offences shall or may be committed.

Officers of Coast Guard may command Royal Naval Coast Volunteers.

X. The Officers of the Coast Guard shall be deemed and taken to be Officers by whom the Royal Naval Coast Volunteers may be instructed, trained, and exercised, and to whose Command such Volunteers may be made subject under the Provisions of the Act passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter Seventy-three.

Act may be registered in Guernsey and Jersey.

XI. This Act shall extend to the Isle of Man and to the Islands of Jersey, Guernsey, Alderney, Sark, and their Dependencies, and shall be registered in the Royal Courts of the Islands of Guernsey and Jersey respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

Coast-guard Service.

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BILL

To provide for the better Defence of the Coasts of the Realm, and the more ready Manning of the Navy, and to transfer to the Admiralty the Government of the Coast Guard.

(Prepared and brought in by Sir Charles Wood and Sir Maurice Berkeley.)

Ordered, by The House of Commons, *to be Printed,* 14*th July* 1856.

[Bill 248.]

Under 1 *oz.*

19 *February* 1856. 19 Vict.

(Scotland.)

A

BILL

TO

Constitute all legally qualified Persons in Scotland Commissioners of Supply without being named in an Act of Supply.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons qualified for Commissioners of Supply to be such.

I. All Persons, being Males and of full Age, qualified in Terms of the Nineteenth Section of the Act of the Seventeenth and Eighteenth Years of Queen Victoria, Chapter Ninety-one, "for the Valuation of "Lands and Heritages in Scotland," otherwise than by Nomination ex officio, for acting as Commissioners of Supply in any County in Scotland, shall, without being named in an Act of Supply, be Commissioners of Supply of such County while so qualified, and shall as such be entitled and have Power to vote and act as freely and to the like Effect as if they had been so named.

Valuation Rolls under 17 & 18 Vict. c. 91. to be Evidence.

II. In all Questions as to the Right of voting and acting as Commissioners of Supply, the Valuation Roll of the County, made up under the Provisions of the said recited Act, and in force for the Time, shall be primâ facie Evidence that every Person entered thereon

thereon as the Proprietor of any Lands and Heritages within such County is the Proprietor, in Terms of the Act, of such Lands and Heritages, and shall further be conclusive Evidence that the same are of the yearly Value, in Terms of the said Act, set forth as their yearly Value in such Roll.

Ex officio Commissioners to continue to act.

III. Provided always, That all Persons constituted in any Act of Supply now in force ex officio Commissioners of Supply, without being required to possess any Property Qualification, and the Successors in Office of all such Persons, shall continue henceforward to have Right to vote and act as such Commissioners aforesaid.

Commissioners of Supply (Scotland).

A

BILL

To constitute all legally qualified Persons in Scotland Commissioners of Supply without being named in an Act of Supply.

(*Prepared and brought in by Mr. Dunlop, Mr. Elliot, and Sir James Fergusson.*)

Ordered, by The House of Commons, *to be Printed*, 19 *February* 1856.

[Bill 41.]

Under 1 *oz.*

13 *March* 1856. 19 Vict.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Constitute all legally qualified Persons in Scotland Commissioners of Supply without being named in an Act of Supply.

[Note.—*The Clauses marked* A. B. *and* C. *were added in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons qualified for Commissioners of Supply to be such.

I. All Persons, being Males and of full Age, qualified in Terms of the Nineteenth Section of the Act of the Seventeenth and Eighteenth Years of Queen Victoria, Chapter Ninety-one, "for the Valuation of "Lands and Heritages in Scotland," otherwise than by Nomination ex officio, for acting as Commissioners of Supply in any County in Scotland, shall, without being named in an Act of Supply, be Commissioners of Supply of such County while so qualified, and shall as such be entitled and have Power to vote and act as freely and to the like Effect as if they had been so named.

Valuation Rolls under 17 & 18 Vict. c. 91. to be Evidence.

II. In all Questions as to the Right of voting and acting as Commissioners of Supply, the last completed Valuation Roll of the County, made up under the Provisions of the said recited Act, shall be primâ facie Evidence that every Person entered thereon

as the Proprietor of any Lands and Heritages within such County is the Proprietor, in Terms of the Act, of such Lands and Heritages, and shall further be conclusive Evidence that the same are of the yearly Value, in Terms of the said Act, set forth as their yearly Value in such Roll: Provided always, that where any Lessee shall have been entered on the said Valuation Roll in the Column of Proprietors the Valuator shall write, and he is hereby required to write, the Word "Lessee" immediately after or under the Name of such Lessee in the present and in all future Valuation Rolls, and such Entry of any such Lessee in the Valuation Roll shall be no Evidence of his being a Proprietor of Lands and Heritages, in Terms of the said Act.

CLAUSE A. Clerk of Supply to make out yearly Lists of Commissioners.

III. It shall be the Duty of the Clerk of Supply of each County, and he is hereby required, immediately after the passing of this Act, to make out a List arranged in alphabetical Order of all the Proprietors of Lands and Heritages of the yearly Value required, in Terms of the said recited Act, to qualify for acting as a Commissioner of Supply, with the Names and Description of such Lands and Heritages, and the yearly Value thereof, all as entered on the last completed Roll of such County, and thereafter, so soon in each Year as the Valuation Roll is completed, to make out from such Roll a List in manner and form aforesaid.

Ex officio Commissioners to continue to act.

IV. This Act shall not be construed to impair or affect the Right of any Persons constituted in any Act of Supply now in force ex officio Commissioners of Supply without being required to possess any Property Qualification, and the Successors in Office of all such Persons, to vote and act as such Commissioners aforesaid.

CLAUSE B. Certain Doubts as to Right of acting and voting as Commissioners removed.

V And whereas certain Doubts have arisen as to the Right of voting and acting as Commissioners of Supply, which it is expedient to remove: Be it therefore enacted and declared, That no Commissioner of Supply, by reason of his having in his Person more than One Qualification, whether by being a qualified Proprietor and also a qualified Factor or an ex officio Commissioner, or by being Factor for more than One Proprietor, or otherwise, is or shall be entitled to more than One Vote at any Meeting of Commissioners of Supply, and that not more than One Factor of any One Proprietor is or shall be deemed entitled to act or vote at the same Time as a Commissioner of Supply at any such Meeting.

CLAUSE C. Short Title.

VI. This Act may be cited for all Purposes as "The Commissioners of Supply (Scotland) Act, 1856."

Commissioners of Supply (Scotland).

A

BILL

[AS AMENDED IN COMMITTEE]

To constitute all legally qualified Persons in Scotland Commissioners of Supply without being named in an Act of Supply.

(*Prepared and brought in by Mr. Dunlop, Mr. Elliot, and Sir James Fergusson.*)

Ordered, by The House of Commons, *to be Printed*, 13 *March* 1856.

[Bill 69.]

Under 1 *oz.*

24 *April* 1856. 19 Vict.

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Constitute all legally qualified Persons in Scotland Commissioners of Supply without being named in an Act of Supply.

[Note.—*The Clauses marked* A. B. *and* C. *were added on Re-commitment, and the Clauses marked* D. *and* E. *were added in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons qualified for Commissioners of Supply to be such.

I. All Persons, being Males and of full Age, qualified in Terms of the Nineteenth Section of the Act of the Seventeenth and Eighteenth Years of Queen Victoria, Chapter Ninety-one, "for the Valuation of "Lands and Heritages in Scotland," otherwise than by Nomination ex officio, for acting as Commissioners of Supply in any County in Scotland, shall, without being named in an Act of Supply, be Commissioners of Supply of such County while so qualified, and shall as such be entitled and have Power to vote and act as freely and to the like Effect as if they had been so named.

Valuation Rolls under 17 & 18 Vict. c. 91. to be Evidence.

II. For the Purpose of making up the List of Commissioners of Supply after mentioned, the last completed Valuation Roll of the County, made up under the Provisions of the said recited Act, shall

shall be primâ facie Evidence that every Person entered thereon as the Proprietor of any Lands and Heritages within such County is the Proprietor, in Terms of the Act, of such Lands and Heritages, and shall further be conclusive Evidence that the same are of the yearly Value, in Terms of the said Act, set forth as their yearly Value in such Roll: Provided always, that where any Lessee shall have been entered on the said Valuation Roll in the Column of Proprietors the Assessor shall write, and he is hereby required to write, the Word "Lessee" immediately after or under the Name of such Lessee, and such Entry of any such Lessee in the Valuation Roll shall be no Evidence of his being a Proprietor of Lands and Heritages, in Terms of the said Act.

CLAUSE A. List of Commissioners to be made up.

III. It shall be the Duty of the Clerk of Supply in each County, and he is hereby required, so soon as the Valuation Roll shall have been authenticated in the present Year, to make up a List, arranged in alphabetical Order, of the Names of all Persons who may appear on such Roll as Proprietors of Lands and Heritages of the Value required by the said recited Act to qualify for acting as Commissioners of Supply, and likewise, so far as known to him, of all other Persons qualified under the said Act for so acting, specifying the Nature of the Qualification of all such Proprietors and other Persons, and, so soon as the Valuation Roll shall have been authenticated in every succeeding Year, to ascertain therefrom the Persons who, since the Roll was last completed, have become qualified, or have ceased to be qualified, or to appear on the Roll; and such Clerk of Supply shall, within Fifteen Days after the Authentication of the Roll in each Year, publish in One or more public Newspapers circulating in the County such List as aforesaid, in the present Year, and in every succeeding Year, the Names of the Persons whom he proposes to add to or strike off the List as having respectively become qualified or ceased to be qualified, or to appear on the Valuation Roll, with an Intimation that Claims to be added to the List, and Objections to any Person inserted on or proposed to be added to or struck off the List remaining on or being added to or struck off the same respectively, must be lodged with him before a specified Day, such Day not being less than Eight nor more than Fifteen Days after the Publication of the said List or Names; and on receiving any such Objections he shall forthwith send Notice to every Person objected to that an Objection has been lodged to his remaining on or being added to the List, and he shall also give to him and to all Parties who may have lodged Claims or Objections respectively Ten free Days Notice in Writing, transmitted by Post, of the Time and Place fixed by him for disposing of the same; and at such Time and Place the Parties claiming, and the Parties objected to, and any Person objecting to the proposed striking of his Name off the

the List, shall produce to the Clerk of Supply the Titles on or in respect of which they found their Right as Commissioners of Supply; and the Clerk of Supply shall dispose of such Claims and Objections, hearing compearing Parties, and receiving and making a Memorandum of such competent Evidence as may be adduced by them: Provided always, that these Claims and Objections shall all be disposed of before the Thirtieth Day of November in each Year.

CLAUSE B. Appeal to the Sheriff; List, when completed, conclusive.

IV. If any Party shall be dissatisfied with the Determination of such Clerk of Supply in disposing of such Claims or Objections, he may, within Four Days thereafter, appeal to the Sheriff of the County, who shall summarily, and at the latest before the Twentieth Day of December thereafter, dispose of the Appeal, and whose Judgment shall be final and conclusive, and not subject to Review; and the Clerk of Supply shall, before the First Day of January thereafter, adjust the aforesaid List in accordance with his Determinations when not appealed from, or, where Appeals have been taken, in accordance with the Judgments of the Sheriff thereon; and the List, when so adjusted, shall be authenticated by the Subscription of the Clerk of Supply, and shall remain in his Custody, all Persons interested therein being entitled to inspect or make Copies of the same, or any Part thereof, at their own Expense, at such reasonable Times and subject to such Regulations as the Commissioners of Supply may prescribe; and each such List shall, till the next List shall have been completed and authenticated, be conclusive in all Questions as to the Right of acting and voting as Commissioners of Supply, except as regards such Sheriffs and Magistrates of Burghs and Towns for the Time being as are in any subsisting Act of Supply constituted ex officio Commissioners of Supply, without being required to possess any Property Qualification, who, and whose Successors in Office, shall be entitled to act and vote as such Commissioners virtute officii, and without being inserted on such List: Provided always, that if any Person shall, after being entered on such List, cease to be qualified, and shall nevertheless act or vote as a Commissioner of Supply, he shall be subject to the Penalty imposed by Law for acting or voting without Qualification, notwithstanding of his Name appearing on such List.

CLAUSE C. Expenses of making up List to be assessed for.

V. The Expenses incurred by the Clerk of Supply in making up and adjusting the List as aforesaid shall be assessed for by the Commissioners of Supply along with and as Part of and in addition to any other Assessment which may be leviable according to the Valuation established by the said recited Act.

CLAUSE D. Certain Doubts as to Right of acting and

VI. And whereas certain Doubts have arisen as to the Right of voting and acting as Commissioners of Supply, which it is expedient to

voting as Commissioners removed.

to remove: Be it therefore enacted and declared, That no Commissioner of Supply, by reason of his having in his Person more than One Qualification, whether by being a qualified Proprietor and also a qualified Factor or an ex officio Commissioner, or by being Factor for more than One Proprietor, or otherwise, is or shall be entitled to more than One Vote at any Meeting of Commissioners of Supply, and that not more than One Factor of any One Proprietor is or shall be deemed entitled to act or vote at the same Time as a Commissioner of Supply at any such Meeting.

CLAUSE E. Short Title.

VII. This Act may be cited for all Purposes as "The Commissioners of Supply (Scotland) Act, 1856."

Commissioners of Supply (Scotland).

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To constitute all legally qualified Persons in Scotland Commissioners of Supply without being named in an Act of Supply.

(*Prepared and brought in by Mr. Dunlop, Mr. Elliot, and Sir James Fergusson.*)

Ordered, by The House of Commons, *to be Printed, 24 April* 1856.

[Bill 108.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

COMMISSIONERS OF SUPPLY (SCOTLAND) BILL.

Note.—*The Page and Line refer to the Bill as first printed by the Lords.* (120.)

Page 1.

Line 13. Leave out from ("named") to ("the last") in Line 15, and insert ("For the Purpose of making up the "List of Commissioners of Supply after mentioned,")

Page 2.

Leave out Clause III. and insert Clauses A., B., C., and D.

Claims and Objections to be lodged with Clerk of Supply.

Clause A. "Before the Tenth Day of December in each "Year, every Person desirous of being placed on the List "of Commissioners shall give in to the Clerk of Supply a "Claim in Writing, setting forth the Grounds of such "Claim; and any Commissioner of Supply intending to "object to any Claimant being placed on the List, or to "any Person already on the List remaining thereon, shall "within Seven Days thereafter give Notice in Writing to "the Clerk of Supply of his Intention; and such Clerk of "Supply shall, on receiving any such Notice of Objection, "forthwith intimate the same by written Notice transmitted "by Post to the Person to be objected to, and he shall also "give to him, and to all Parties who may have lodged "Claims or Objections respectively, Ten free Days Notice "in Writing of the Time and Place fixed as herein-after "provided for disposing of the same."

Commissioners of Supply to appoint Committee for disposing of Claims and Objections.

Clause B. "The Commissioners of Supply in each County "shall yearly at their Annual Meeting on the Thirtieth Day "of April appoint a Committee to meet at such Times and "Places as they may fix, but not sooner than the Twen-"tieth Day of November, and of which Committee Meetings

"the

" the Quorum shall be Three, to dispose of such Claims " and Objections; and at the Time and Place fixed and " intimated as aforesaid the several Persons objected to " shall produce the Titles on or in respect of which they " found their Right as Commissioners of Supply; and the " Committee at such Meetings shall dispose of such Claims " and Objections, hearing compearing Parties, and receiving " and making a Memorandum of such competent Evidence " as may be adduced by them: Provided always, that " these Claims and Objections shall all be disposed of before " the Twentieth Day of December in each Year."

On or before 31st December in each Year Clerk of Supply to make up the List of Commissioners.

CLAUSE C. " On or before the Thirty-first Day of December " in each Year, the Clerk of Supply in every County shall " make up and adjust the List of Commissioners of Supply " in such County in accordance with the Determinations of " the Commissioners of Supply on the Claims and Objec- " tions as aforesaid, and the List when adjusted shall be " authenticated by the Subscription of the Clerk of Supply, " and shall remain in his Custody, all Persons interested " therein being entitled to inspect or make Copies of the " same or any Part thereof, at their own Expense, at such " reasonable Times and subject to such Regulations as the " Commissioners of Supply may prescribe; and each such " List, subject to Corrections in accordance with Judgments " on Appeal, as after mentioned, shall, till the next List " shall have been completed and authenticated, be conclu- " sive as to the Right of acting and voting as Commissioners " of Supply, except as regards such Sheriffs and Magis- " trates of Burghs and Towns for the Time being as may " in any subsisting Act of Supply be constituted Ex-officio " Commissioners of Supply without being required to " possess any Property Qualification, who, and whose " Successors in Office, shall be entitled to act and vote as " such Commissioners virtute officii, and without being " inserted on such List."

Appeal from Determination of Commissioners on Claims or Objections.

CLAUSE D. " If any Party shall be dissatisfied with the Deter- " mination of the Commissioners of Supply on any such " Claim or Objection as aforesaid, he may, within Ten " Days after the same has been pronounced, appeal by " Note of Appeal to the Lord Ordinary officiating on the " Bills in the Court of Session, who shall summarily dispose " of the Appeal, and whose Judgment shall be final and " conclusive, and not subject to Review; and on a certified

" Copy

" Copy of any such Judgment being presented to the Clerk
" of Supply he shall forthwith, if the Determination of the
" Commissioners of Supply appealed against shall have
" been altered or reversed, forthwith correct the List
" adjusted as aforesaid in accordance with such Judgment."

LORDS AMENDMENTS

TO THE

COMMISSIONERS OF SUPPLY (SCOTLAND) BILL.

Ordered, by The House of Commons, *to be Printed,*
18 *July* 1856.

[Bill 258.]

Under 1 *oz.*